

Washington, Friday, May 8, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission
PART 6—EXCEPTIONS FROM THE
COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the Federal Register, subparagraphs (1), (2) and (3) of paragraph (c) and subparagraph (1) of paragraph (d) of § 6.314 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

United States Civil Service Commission,

[SEAL] WM. C. HULL,

Executive Assistant.

[F.R. Doc. 59-3887; Filed, May 7, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 43]

PART 943—MILK IN THE NORTH TEXAS MARKETING AREA

Order Amending Order

§ 943.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provi-

sions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the de-

clared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is necessary in the public interest to make this order amending the order effective not

later than June 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 16, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued April 23, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good

(Continued on next page)

CONTENTS

Agricultural Marketing Service Proposed rule making:	Page
Oranges (Texas and States	
Oranges (Texas and States other Florida, California and Arizona); U.S. standards	3731
Rules and regulations:	0101
Milk in north Texas marketing area; order amending order	3719
Agricultural Research Service	3113
Proposed rule making:	
Imported products	3735
Agriculture Department See Agricultural Marketing Serv-	
ice; Agricultural Research Serv-	
ice.	
Air Force Department Rules and regulations:	
Detailing personnel to non-Fed-	
eral establishments for aviation instruction	3724
Military Personnel Security Pro-	
gram; revocation Officer Training School, USAF_	3729 3726
Atomic Energy Commission	0.40
Notices:	
Division of American Machine & Foundry Co.; facility export	
license	3736
Industrial Reactor Laboratories, Inc.; facility license amend-	
ment	3736
Martin Co.; facility license amendment	3736
Civil Aeronautics Board	
Notices:	
Minot or Williston, North Da- kota-Regina, Saskatchewan,	
Canada; prehearing confer-	3737
Northern Consolidated Airlines,	3131
Inc., and Alaska Airlines, Inc.; order of investigation and	
suspension	3737
Civil Service Commission	
Rules and regulations: Health, Education, and Welfare	
Department; exceptions from	0810
competitive service	3719
Defense Department See Air Force Department.	



Published daily, except Sundays, Mondays, and days following official Federal holidays by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Govern-ment Printing Office, Washington 25, D.C. The FEDERAL REGISTER will be furnished by

mail to subscribers, free of postage, for \$1.50 mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, is keyed to the Code of Pederal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the re-publication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Title 14, Part 400 to end (\$1.50) Title 47, Parts 1-29 (\$0.70)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 7, Parts 1–50, Rev. Jan. 1, 1959 (\$4.001; Parts 51–52, Rev. Jan. 1, 1959 (\$6.25); Parts 900-959 (\$1.50); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 10-13, Rev. Jan. 1, 1959 (\$5.50); Title 14, Parts 1-39 (\$0.55); Parts 40-399 (\$0.55); Title 18 (\$0.25); Titles 22-23 (\$0.35); Title 24, Rev. Jan. 1, 1959 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80—169 (\$0.20); Parts 170—182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Titles 28—29 (\$1.50); Title 32, (\$0.30); Titles 28-29 (\$1.50); Title 32, Parts 700-799 (\$0.70); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46, Parts 1-145 (\$1.00); Parts 146-149, 1958 Supp. 2 (\$1.50); Parts 150 to end (\$0.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40) 164 (\$0.40)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

CONTENTS—Continued

Federal Communications Com-	Page
mission	
Notices: Hearings, etc.:	
Alkima Broadcasting Co. et	
al	3738
Cannon System, Ltd. (KIEV), et al	3738
Easton Broadcasting Co	3739
Easton Broadcasting Co Hernreich, George T., and Patteson Brothers	3739
North Shore Broadcasting	
North Shore Broadcasting Co., Inc., and Suburban- aire, Inc. Southern General Broadcast-	2
Southern General Broadcast-	3739
ing Co., Inc. (WTRO)	3738
Sussex County Broadcasters	
(WNNJ)	3738
Federal Power Commission Notices:	
Hearings, etc.:	
Gulf States Utilities Co	3742
Humble Oil & Refining Co	3739
James, T. L., and Co., Inc., et	3740
al. (2 documents) Transcontinental Gas Pipe	0110
Time Outpassessess	3741
Food and Drug Administration	-
Proposed rule making:	
Cheese, blue and gorgonzola; standards of identity	3735
Health, Education, and Welfare	0.00
Department	
See Food and Drug Administra-	
tion.	
Interior Department	
See Land Management Bureau	
See Land Management Bureau.	
See Land Management Bureau. Interstate Commerce Commission	, ;
Interstate Commerce Commission Notices:	\ :
Interstate Commerce Commission Notices: Fourth section applications for	,
Interstate Commerce Commission Notices: Fourth section applications for relief	3743
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings	3743
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau;	3743
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau;	3743
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules	3743
Interstate Commerce Commission Notices: Fourth section applications for relief	3743 3743 3744
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules Western railroads; increased mail pay	3743 3743
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules Western railroads; increased mail pay Land Management Bureau	3743 3743 3744
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules Western railroads; increased mail pay	3743 3743 3744 3745
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules Western railroads; increased mail pay Land Management Bureau Rules and regulations:	3743 3743 3744 3745
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules Western railroads; increased mail pay Land Management Bureau Rules and regulations: Montana; public land order Securities and Exchange Commission	3743 3743 3744 3745
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules. Western railroads; increased mail pay Land Management Bureau Rules and regulations: Montana; public land order. Securities and Exchange Commission Notices:	3743 3743 3744 3745
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules. Western railroads; increased mail pay Land Management Bureau Rules and regulations: Montana; public land order Securities and Exchange Commission Notices: West Penn Power Co.; hearing,	3743 3743 3744 3745 3729
Interstate Commerce Commission Notices: Fourth section applications for relief	3743 3743 3744 3745
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules. Western railroads; increased mail pay Land Management Bureau Rules and regulations: Montana; public land order Securities and Exchange Commission Notices: West Penn Power Co.; hearing,	3743 3743 3744 3745 3729
Interstate Commerce Commission Notices: Fourth section applications for relief	3743 3744 3745 3729
Interstate Commerce Commission Notices: Fourth section applications for relief	3743 3743 3744 3745 3729
Interstate Commerce Commission Notices: Fourth section applications for relief	3743 3744 3745 3729
Interstate Commerce Commission Notices: Fourth section applications for relief	3743 3744 3745 3729
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules Western railroads; increased mail pay Land Management Bureau Rules and regulations: Montana; public land order Securities and Exchange Commission Notices: West Penn Power Co.; hearing, etc Small Business Administration Notices: Branch Manager, Birmingham, Ala.; delegation of authority State Department Rules and regulations: International traffic in arms; miscellaneous amendments to	3743 3744 3745 3729 3742
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules Western railroads; increased mail pay Land Management Bureau Rules and regulations: Montana; public land order Securities and Exchange Commission Notices: West Penn Power Co.; hearing, etc Small Business Administration Notices: Branch Manager, Birmingham, Ala.; delegation of authority State Department Rules and regulations: International traffic in arms; miscellaneous amendments to subchapter	3743 3744 3745 3729 3742
Interstate Commerce Commission Notices: Fourth section applications for relief Motor carrier transfer proceedings Perishables Tariff Bureau; agreement regarding joint consideration of rates and rules Western railroads; increased mail pay Land Management Bureau Rules and regulations: Montana; public land order Securities and Exchange Commission Notices: West Penn Power Co.; hearing, etc Small Business Administration Notices: Branch Manager, Birmingham, Ala.; delegation of authority State Department Rules and regulations: International traffic in arms; miscellaneous amendments to	3743 3744 3745 3729 3742

termination of authority to

qualify as surety on Federal

bonds_____

3737

 \mathbf{R}

N

 \mathbf{R}

CODIFICATION GUIDE A numerical list of the parts of the Code of Federal Regulations affected by documents

published in this issue. Proposed rules, as opposed to final actions, are identified as

A Cumulative Codification Guide covering

such.

5 CFR	Page
6	3719
7 CFR	
943	3719
Proposed rules:	
51	3731
9 CFR	
Proposed rules:	
27	3735
21 CFR	
Proposed rules:	
19	3735
22 CFR '	
22 CFK 121	9791
123	
124	
125	
126	
32 CFR	
	3724
845 861	3726
886	
43 CFR	
Public land orders:	
1843	3729
1040	0140

1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the Federal Register. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) Determination. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative asociations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended: and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended,

and the aforesaid order is hereby amended as follows:

- 1a. Amend § 943.12(c) by changing the reference "§ 943.41(b) (4)" to "§ 943.41(b) (5)".
- b. Amend § 943.12 by adding thereto the following as paragraph (d):
- (d) A cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be considered to have been received by such cooperative association at the pool plant to which it is delivered, except that such milk shall be considered as a receipt of producer milk by the operator of such pool plant for the purpose of § 943.46 (a) (5) and the proviso in § 943.53.
- 2. Amend § 943.44 (c) and (d) to read as follows:
- (c) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located (1) outside the marketing area and (2) outside the counties of Barry, Cedar, Greene, Lawrence, Polk, Newton, and McDonald in the State of Missouri; Erath, Titus, Runnels, Fayette, Cherokee, and Wood in the State of Texas; Carter, Cleveland, Comanche, Grady, Murray, and Muskogee in the State of Oklahoma; and Benton, Franklin, Sebastian, and Scott in the State of Arkansas.
- (d) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located inside the marketing area or inside any of the counties named in paragraph (c) of this section unless:
- (1) The handler claims classification as Class II milk in his report submitted pursuant to § 943.30;
- (2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification:
- (3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation:
- (i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant, subtract the pounds of skim milk and butterfat in packaged fluid milk products received at such plant and the skim milk and butterfat received at such plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

- (ii) From the remainder, subtract the skim milk and butterfat disposed of in the form of bulk cream by such plant to a second plant if it is established that such cream was disposed of as an ungraded product for manufacturing use with each container so tagged and such shipment(s) is so invoiced:
- (4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3), an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers;
- 3. Amend § 943.41(a)(1) to read as follows:
- (1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream (except cultured sour cream), and any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk;
- 4. Renumber § 943.41(b) (5) as § 943.41 (b) (6), and delete § 943.41(b) (4) and substitute therefor the following:
- (4) Disposed of in the form of fluid milk products for use as animal feed if all the following conditions are met: (i) The market administrator is notified, prior to such disposition, of the time the disposition is to be made so that he or his representative may physically verify the disposition; (ii) records are maintained to show the source, availability, butterfat content and volume of each product composing each lot of the aggregate to be disposed of for animal feed and the total butterfat content and volume of each lot of the aggregate product; (iii) each disposition is documented in duplicate by a separate record in a form approved by the market administrator showing disposition date, volume disposed of and the name of the person to whom it is disposed and his or his representative's signature, one copy of which is mailed or delivered to the market administrator on or before the second day after the date of such disposition: and (iv) the volume of skim milk and butterfat classified as Class II pursuant to this paragraph shall not exceed 0.5 percent of the volume of skim milk and butterfat in fluid milk products disposed of in fluid form;
- (5) In shrinkage allocated to: (i) Receipts of other source milk in the form of fluid milk products, (ii) receipts of milk of producers in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat physically received from producers' farms by the operator of a pool plant, plus one and onehalf percent of the total pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form at a pool plant from both producers and other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 943.12 (c) and (d) and which are not disposed of in bulk as milk in fluid form to the pool plant of another handler.

- 5. Delete § 943.42(b) and substitute therefor the following:
- (b) Prorate the resulting amounts between (1) the total of the pounds of skim milk and butterfat physically received from producers at a pool plant by the operator of such pool plant, plus the pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form from other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 943.12 (c) and (d), and (2) the pounds of skim milk and butterfat in other source milk received in the form of fluid milk products.
- 6. Amend § 943.46(a) (1) by changing the reference therein from "§ 943.41(b) (4)" to "§ 943.41(b) (5) (ii)".
- 7. Amend \$943.44 by changing the reference therein from "\$943.12(c)" to "\$943.12(c) and (d)".
- 8. Amend § 943.46(a) by reversing the order of subparagraphs (9) and (10) and renumbering accordingly.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 5th day of May 1959, to be effective on and after the 1st day of June 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-3915; Filed, May 7, 1959; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Dept. Reg. 108.400]

Miscellaneous Amendments to Subchapter

The regulations of the Secretary of State issued August 26, 1955, and amended December 27, and December 31, 1957, April 1, 1958, and November 14, 1958, are amended as follows:

PART 121—ARMS, AMMUNITIONS AND IMPLEMENTS OF WAR

§ 121.5 [Deletion]

- 1. Section 121.5 is deleted.
- 2. Section 121.6 is amended to read:

§ 121.6 Aircraft and Related Articles.

Aircraft and related articles as defined in Category X of the United States Munitions List refer to military aircraft and military aircraft equipment. Their exportation and importation are subject to the licensing requirements of the Department of State. Other types of aircraft and aircraft equipment are subject to the export licensing requirements of the Department of Commerce.

§ 121.21 [Amendment]

3. Section 121.21, Categories X and XI are amended to read:

CATEGORY X—AIRCRAFT AND RELATED ARTICLES

(a) Aircraft designed or modified for gunnery, bombing, rocket or missile launching, radar and electronic surveillance, refueling, drones, aerial mapping, cargo or personnel dropping, jet powered military trainers, ex-

perimental aircraft, lighter-than-air aircraft and military helicopters.

and mintary nelicopters.

(b) Jet and turbo aircraft engines other than those types certificated by FAA.

(c) Airborne equipment, including airborne refueling equipment, specifically designed for use with the aircraft and the engines of the types covered by sub-items (a) and (b) above

(a) and (b), above.(d) Partial pressure suits, anti-"G" suits; military crash helmets; liquid oxygen converters used for aircraft and missiles; catapults and cartridge actuated devices utilized in emergency escape of personnel from

(e) Aircraft launching equipment.

(f) Inertial guidance systems, astro compasses, and star trackers.

(g) Non-expansive balloons in excess of 3,000 cubic feet capacity.

(h) Components and parts specifically designed for the items listed above.

(i) Parachutes used for personnel dropping, cargo-dropping, and aircraft deceleration, and complete harness and platforms therefor.

CATEGORY XI-MILITARY ELECTRONICS

(a) Electronic equipment bearing a military designation including radar, electronic countermeasure and jamming, underwater sound, doppler and communications-electronic equipment.

(b) Components parts, accessories and at-tachments specifically designed for use with the equipment enumerated in (a) above:

§ 121.26 [Amendment]

- 4. Section 121.26(a) is amended to read:
- (a) The term "propellants" includes ultimate destination but is not limited to the following:

Propellant powders including smokeless shotgun powder.

Hydrazine,

Unsymmetrical dimethylhydrazine.

Hydrogen peroxide over 85 percent concentration.

Nitroguanadine or picrite.

Nitrocellulose with nitrogen content of over 12.20 percent.

Other solid propellant compositions, including but not limited to the following:

(1) Single base (nitrocellulose).

(2) Double base (nitrocellulose, nitroglycerin).

(3) Triple base (nitrocellulose, nitro-

glycerin, nitroguanadine).

(4) Composite (nitroglycerin, ammonium perchlorate, nitrocellulose with plastics or rubbers added).

(5) Special purpose chemical base high energy solid military fuels.

Other liquid propellant compositions, including but not limited to the following: (1) Mono-propellants (hydrazine, nitrate,

and water).

(2) Bi-propellants (hydrazine-fuming nitric acid (HNO3)).

(3) Special purpose chemical base high energy liquid military fuels.

5. Section 121.28 is amended to read: § 121.28 Military demolition blocks and

(a) The United States Munitions List, as amended, includes under Category IV. "Military demolition blocks and blasting The exportation or importation caps."

of such articles, therefore, is under the

- jurisdiction of the Department of State. (b) The term "military demolition blocks and blasting caps" does not include the following articles:
 - (1) Electric squibs,

blasting caps.

(2) No. 6 blasting caps,

(3) No. 8 blasting caps,

(4) No. 6 electric blasting caps.

(5) No. 8 electric blasting caps,

(6) Delay electric blasting caps (including Nos. 6 and 8 and millisecond), (7) Seismograph electric blasting caps

(including "SSS", Static-Master, Vibro-cap SR, and SEISMO SRO).

(c) A Department of State license is not required for shipment of blasting caps of the types enumerated in paragraph (b) of this section. In preparing export shipments, the packages containing the types of articles in subparagraphs (1) to (7) under paragraph (b) of this section must be clearly marked to show the types being shipped.

(d) The exportation of the articles enumerated under paragraph (b) of this section is under the jurisdiction of the Bureau of Foreign Commerce, Depart-

ment of Commerce.

§ 121.29 [Deletion]

6. Section 121.29 is deleted.

PART 123—LICENSING CONTROLS

§ 123.21 [Amendment]

1. Section 123.21(c) is added:

(c) The following statement shall be entered in the Shipper's export declaration, the bill of lading and the commercial invoice whenever U.S. Munitións List articles are involved:

These commodities are licensed by U.S. for

(Country of ultimate destination) Diversion contrary to U.S. law prohibited.

Responsibility for entering such a statement shall rest properly on the American exporter or forwarding agent. No exporter or freight forwarder shall prepare a bill of lading and no carrier shall issue a bill of lading for the exportation of a commodity subject to Department of State licensing control unless this notice appears thereon.

2. Section 123.30 is added:

§ 123.30 Transit authorization certificate.

(a) Shipments of United States Munitions List articles to Soviet Bloc countries will be denied transit rights by the countries en route unless the shipment is accompanied by a Transit Authorization The Office of Munitions Certificate. Control will issue such a Transit Authorization Certificate upon request at the time the export license is issued.

(b) The certificate is prepared by the Office of Munitions Control on the basis of information furnished by the exporter. In order to enable the Office to complete the Transit Authorization Certificates, the applicant must state the quantities of material involved including the number of complete units and major components, as well as the actual or estimated weight and volume of the proposed shipment. .

(c) The certificate will be issued to the party receiving the export license and should accompany the shipping documents for presentation to an endorsement by the customs authorities en route to the country of ultimate destination.

§§ 123.61-123.64 [Deletions]

3. Sections 123.61, 123.62, 123.63, 123.64 and the caption before § 123.61 "Exemptions for Aircraft Shipments" are deleted.

4. Sections 123.73, 123.83 and 123.84 are added:

§ 123.73 Propellants and explosives.

Subject to the provisions of § 123.22 of the Department's regulations, collectors of customs are authorized to permit the exportation without a license of propellants, except solid and liquid propellant compositions, and explosives for non-explosive uses such as medical uses and laboratory tests. Any such shipment must be clearly marked as to content, include no materials classified from a military security point of view, and weigh no more than 25 pounds.

§ 123.83 Smokeless shotgun powder.

Collectors of Customs are authorized to permit the importation of smokeless shotgun powder (See Category VIII of the United States Munitions List) without requiring the presentation of a

§ 123.84 Temporary suspension modification of the regulations of this part.

The Office of Munitions Control, Department of State, is authorized to order the temporary suspension or modification of any or all of the regulations of this part in the interest of furthering the objectives of world peace and the security and foreign policy of the United States. A written notification of this action must be addressed to the Bureau of Customs for transmission to the appropriate collectors of customs.

PART 124-LICENSING AGREEMENTS, TRANSMISSION OF INFORMATION

§ 124.3 [Amendment]

1. Section 124.3(c) is added:

(c) (1) It is further the general policy of the United States Government not to approve agreements envisaging the transmittal abroad of classified United States military information unless certain security arrangements are in existence on a government-to-government basis under which the United States Government can be assured that its classified information will be properly protected abroad. Release of such information requires the prior approval of the cognizant United States military department under established authorities. It is also necessary to invoke an existing government-to-government agreement or to establish an agreement which will bind the licensee's government to assume responsibility for the adequate protection of classified United States informa-

(2) In accordance with subparagraph (1) of this paragraph, any proposed agreement envisaging the transmission of classified United States military information abroad shall be submitted to the Department of State for review and coordination with appropriate military authorities prior to the consummation of negotiations with the foreign governspecifically include the following:

(i) The parties warrant that the licensor has (a) obtained from the cognizant United States military department an assurance that release of the information can be accomplished under established authorities and (b) ascertained from the appropriate agency of the United States Government whether there is in effect a government-togovernment agreement under which the foreign government can be committed to afford adequate protection to the information transmitted.

(ii) The parties further warrant that the licensee will (a) protect classified United States military information in accordance with the security programs established by his government for the protection of classified information belonging to that government, (b) release such information only to authorized persons who have been screened from a security standpoint by an appropriate agency of his government, (c) not release such information to any persons outside the country without the express authority of the appropriate United States Government agency, and (d) use it only for the purposes stated in the agreement.

PART 125—TECHNICAL DATA

1. Sections 125.1, 125.2, 125.3, 125.5, 125.11, 125.12, 125.13, and 125.21 are amended to read:

§ 125.1 General.

A license issued by the Department of State is required in all cases for the exportation of unclassified technical data, Category XVIII of the United States Munitions List, to any of the destinations referred to in § 125.42. (Seealso § 121.8 of this chapter.)

§ 125.2 Special exceptions.

A license issued by the Department of State is also required for the exportation of such data to all other destinations except when otherwise exempted by §§ 125.5 to 125.43 or when it is in published form and:

- (a) Sold at newsstands or bookstores:
- (b) Available by subscription or purchase to any individual without restriction:
- (c) Granted second class mailing privilege by the United States Government; or
- (d) Consists of unclassified informational media on aviation equipment freely available at symposia attended by the general public, provided such releases have been approved by the United States Government.

§ 125.3 Written approval.

The written approval shall take the form of a license. The application for a license must be submitted in triplicate on the prescribed form (form DSP-5). The application may be accompanied by an explanatory letter.

§ 125.5 Shipment by or to the United States Government.

An export license is not required when the United States Government or an

ment or firm. Such an agreement shall agency thereof is the consignee unless a from abroad and is being returned to private individual or firm is involved in the shipping or mailing procedures.

§ 125.11 Importation of technical data.

No license is required for technical data imports.

§ 125.12 Canadian shipments.

Collectors of customs or postal authorties may permit unclassified technical data to be exported to Canada without the presentation of a license.

§ 125.13 Exportation of technical data with patent applications.

The exportation of technical data relating to arms, ammunition, and implements of war with any patent application for foreign patents is subject to the jurisdiction of the Department of State. A Department of State export license is required for the exportation of unclassified technical data included as part of or with an application for a foreign patent. The license issued by the Department of State is in addition to the specific licensing requirement of the Patent Office during the first six months after the filing of the application with that office. If the patent application is covered by a secrecy order, all questions relating thereto should be addressed to the Patent

§ 125.21 Unclassified technical data in the form of sales bulletins, operational manuals, etc.

(a) Collectors of customs or postal authorities may permit the exportation without a license to any destination other than those listed in § 125.42 of unclassified technical data in the form of sales bulletins, operational, maintenance, and sales promotion manuals which relate to equipment previously licensed for export by a private firm or individual.

(b) Collectors of customs or postal authorities may permit the exportation to specified destinations, without a license of additional copies of sales bulletins. operational, maintenance, and sales promotion manuals previously approved for export to those destinations.

§ 125.22 [Deletion]

- 2. Section 125.22 is deleted.
- 3. Sections 125.23, 125.24, 125.25, 125.26 are amended to read:

§ 125.23 Unclassified technical data on small arms and ammunition.

Collectors of customs or postal authorities may permit the exportation without a license (subject to the provisions of § 125.41) of unclassified technical data relating to small arms and machine guns not in excess of caliber .50 and ammunition for such weapons except unclassified technical data containing advanced design, processes and manufacturing techniques.

§ 125.24 Technical data imported from abroad.

Collectors of customs or postal authorities are authorized to permit exportation without a license of unclassified technical data which has been imported

the country of origin.

§ 125.25 Contracts with other government agencies.

Collectors of customs or postal authorities may permit the exportation of unclassified technical data without a license when such a shipment is directly in furtherance of a contract with an agency of the United States Government or a contract between an agency of the United States Government and a foreign manufacturer or other foreign entity. provided the contract specifically calls for transmission of relevant technical data

§ 125.26 Special licensing agreements.

- (a) Collectors of customs or postal authorities may permit the exportation without a Department of State license of unclassified technical data being exported directly in furtherance of a licensing agreement, covering specific items, which has been submitted to the Department of State for review and to which the Department of State has, in writing, expressed no objection, unless a new design, process or manufacturing technique is involved.
- (b) Collectors of customs and postal authorities may permit the exportation without a Department of State license of unclassified technical data being exported directly in furtherance of a licensing agreement covering specific items effective prior to February 1, 1954. whether or not previously submitted to the Department of State, unless a new design, process or manufacturing technique is involved.

§ 125.27 [Deletion]

4. Section 125.27 is deleted.

PART 126—VIOLATIONS AND **PENALTIES**

1. Section 126.5 is added:

§ 126.5 Misrepresentation and concealment of facts.

- (a) It shall be unlawful under the provisions of these regulations willfully to make a false statement to misrepresent or conceal facts in an export or import control document as hereinafter defined with respect to the exportation or importation of U.S. Munitions List articles. All statements made in such a document are matters within the jurisdiction of the Office of Munitions Control, Department of State, and the Bureau of Customs, U.S. Treasury Department, for the purpose of section 414 of the Mutual Security Act (22 U.S.C. 1934) and the Criminal Code (18 U.S.C. 1001).
- (b) For the purpose of this section, the term export or import control document shall include:
- (1) Applications for import, export, or intransit license to the Department of State and supporting documents.
- . (2) Shipper's export declarations.
- (3) Commercial invoices.
- (4) Declaration of destinations.
- (5) Delivery verification.

These amendments shall take effect on § 845.3 Definition. June 1, 1959.

Signed: May 4, 1959.

For the Secretary of State.

JOHN W. HANES, Jr., Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 59-3899; Filed, May 7, 1959; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII-Department of the Air Force

SUBCHAPTER D-MILITARY EDUCATION

PART 845—DETAILING PERSONNEL NON-FEDERAL ESTABLISH-TO MENTS FOR AVIATION INSTRUC-TION

In Part 845, §§ 845.1 to 845.9 are deleted and the following substituted

there	for:
Sec.	
845.1	Purpose.
845.2	General.
845.3	Definition.
845.4	Agreement with institutions for in struction.
845.5	How institutions will be selected.

Responsibilities of institutions. 845.6 Air Force training unit or detach-845.7

Training unit or detachment com-845.8 mander's responsibilities.

Faculty board to act on termination -845.9 of student status.

Conditions governing loan and sale of Government property. 845.10

845.11 Administrative provisions. Government property to be consigned to the AF Commander. 845.12

845.13 Eligibility for loans of Government equipment.

845.14 Requisitions, provisions, and accounting for loan of Government property.

Transportation of property. 845.15

845.16 Lost, damaged, or destroyed property. Maintenance and repair of property. 845.17 845.18 Care and safekeeping of property.

AUTHORITY: §§ 845.1 to 845.18 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 9301-9304.

Source: AFR 50-14, Aug. 8, 1958.

§ 845.1 Purpose.

Sections 845.1 to 845.18 provide for aviation instruction of AF personnel in established civilian flying and technical schools.

§ 845.2 General.

No expense will be incurred by the United States except:

(a) The authorized pay of personnel detailed to the school,

(b) The cost of tuition at educational institutions, provided that the tuition for personnel during the period of their detail may be paid from any funds which may hereafter be made available for the foregoing expense,

(c) The cost of maintenance of personnel who may be detailed as supervisors or inspectors, and

(d) The cost of equipment assigned to supervisors or inspectors for official use.

The term "accredited aviation schools" means the flying schools or aviation mechanics schools selected by the Chief of Staff, USAF, in accordance with § 845.5.

§ 845.4 Agreement with institutions for instruction.

Services of schools will be procured by a written contract, made pursuant to 10 U.S.C. 2301 et seq. The contract will state the terms and conditions governing the furnishing of instruction. The cost of tuition for courses of instruction will be established by negotiation.

§ 845.5 How institutions will be selected.

The primary consideration will be the suitability of an institution to satisfactorily accomplish the training needed by the Air Force. The following factors, when applicable, will have special importance:

(a) Geographical location as it relates to the cost of government transportation, other expense, and the functioning of the system of supply and repair of Government property.

(b) Capacity for instruction of military personnel.

(c) Ability to maintain output of trained military personnel at a uniform rate.

(d) Ability to conduct the desired training without undue hazard to personnel or property.

(e) Conditions affecting health and safety of military personnel and the preservation and maintenance of Government property.

(f) Availability of suitable housing and messing facilities near the place of instruction.

(g) Adequacy of instructional facilities and methods, and quality of instruction.

(h) Adequacy of facilities for maintaining and preserving Government property.

(i) Provisions for maintaining the governmental supervisory and administrative establishment.

§ 845.6 Responsibilities of institutions.

Before assignment of military personnel for instruction, institutions will be required to agree to:

(a) Provide satisfactory housing and messing facilities, or make arrangements for them, at a reasonable cost to the military students.

(b) Provide satisfactory office and other space needed by Government administrative personnel in the performance of their duties.

(c) Comply with regulations prescribed by civil authorities to insure safety and any necessary supplementary instructions issued by the Chief of Staff, USAF, or his representatives.

(d) Relieve the Government from liability for any injury or damage to persons and property, except Government personnel.

(e) Keep complete records pertaining to the training and progress of each military student. These will be kept in the school registrar's office and be available to the Chief of Staff, USAF, or his rep-

resentatives. Records should be kept as prescribed by the Chief of Staff, USAF.

(f) Give Government representatives access to account books and records at any time it is necessary for the Government to determine the actual cost of instruction.

(g) Open all facilities used for the training of military personnel for in-spection by authorized Government representatives, at any time.

§ 845.7 Air Force training unit or detachment.

An AF Training Unit or Detachment will normally be required at institutions operating under §§ 845.1 to 845.18 to administer attached students and to provide the necessary liaison between the Air Force and the institution.

§ 845.8 Training unit or detachment commander's responsibilities.

The Unit or Detachment Commander will be the intermediary between the Air Force and the institution to which he is assigned in all matters pertaining to the instruction of military students. In addition to his duties of command, the Unit or Detachment Commander will:

(a) Determine the continued adequacy and suitability of contractors' facilities and methods as they apply to the instruction of military students.

(b) Keep informed on the progress of military students and pass upon the eligibility of any student to receive a certificate of graduation.

(c) Determine the proficiency of students in their assignments at any time during the course of instruction.

(d) Be responsible for the discipline of military students at all times.

(e) Suspend the instruction of any military student when necessary.

(f) Insure that no officer or enlisted man conducts or pursues any course of instruction at the school without proper authority of the Air Force.

(g) Furnish reports prescribed by the Chief of Staff, USAF. A special written. report will be submitted covering any serious breach of contract or agreement on the part of any school or school representative, if adequate corrective action has not been taken within a reasonable length of time.

§ 845.9 Faculty board to act on termination of student status.

A board, composed of officers, will be appointed as directed by the Chief of Staff, USAF, at each institution designated to give aviation instruction to military personnel. This board will:

(a) Consider all cases referred to it by the AF Commander which involve the fitness of a student, for any reason, to continue instruction. The board will make recommendations relating to the disqualification, or reinstatement of any student.

(b) Comply with all instructions issued by the Chief of Staff, USAF.

§ 845.10 Conditions governing loan and sale of Government property.

(a) The AF is authorized to lend to accredited civilian aviation schools, to which military students are detailed, air-

craft, aircraft parts, aeronautical equipment, and accessories on hand and belonging to the U.S. Government. This will be done at the discretion of the Secretary of the Air Force and under rules, regulations, and limitations prescribed by him. This authority applies only to articles required for instruction. training, and maintenance. (See 10 U.S.C. 9656.)

(b) All loans of Government property, described in paragraph (a) of this section, will be made subject to return upon request of the Government and without Government obligation to repair or replace the items in whole or in part unless otherwise specifically provided for by written agreement with the institution.

(c) The Secretary of the Air Force may sell aviation spares and accessories to civilian flying schools at which AF personnel are receiving flight training. Such schools must be under contract requiring them to repair and maintain aircraft provided them by the Air Force for flight training. (See 10 U.S.C. 9628.)

§ 845.11 Administrative provisions.

(a) Loans of Government property necessary for instruction will be made at the discretion of the Chief of Staff. USAF. He will also determine the quantity and type of property and the conditions under which loans will be made.

(b) Administrative details respecting the loan of Government property and its maintenance, including the extent to which an institution will be held responsible for replacement, repair, and overhaul will be determined by the Chief of Staff, USAF.

§ 845.12 Government property to be consigned to the AF Commander.

All Government-owned property required at institutions, regardless of the purpose for which intended, will be consigned to the AF Commander of the local AF training unit or detachment or a designated accountable officer. Property transactions between the AF Commander or the designated accountable officer and a school will be governed by paragraph (b) (1) of § 845.14. The Chief of Staff, USAF, will designate an accountable officer who will act for all Government-owned industrial property; the contract provision will provide that accountability therefor will be maintained in accordance with appropriate directives.

§ 845.13 Eligibility for loans of Government equipment.

(a) To be eligible to receive loans of Government equipment, the institution must be an accredited school as defined in § 845.3 and under contractual obligations with the Government for training AF personnel pursuant to this part.

(b) The detail of military personnel as students will not create any Government obligation to provide property for their instruction except as stated in formal agreements between the Government and the institution concerned.

§ 845.14 Requisitions, provisions, and accounting for loan of Government property.

(a) Requisitions. The institution will submit requests for the issue of Government property to the AF Commander or accountable officer. When authorized, he will issue the items to the institution or, if the items are not on hand, he will requisition them.

(b) Provisions. (1) Government property will be loaned to institutions by the AF Commander or the designated accountable officer on custody receipt. He will furnish credit custody receipts to the institution for property returned to the Air Force.

(2) The responsible head or corresponding executive of the institution will designate in writing a representative who will sign all property papers in the name of the school.

(3) Reports concerning the quantity and condition of Government property in its possession will be made by the institution as required by the Chief of Staff, USAF.

(4) The institution will make settlement for property held on custody receipt, within terms of the contract, as required by the AF Commander.

(c) Accounting. Property will be accounted for as prescribed in § 845.12.

§ 845.15 Transportation of property.

- (a) Property authorized to be loaned under § 845.10 will be delivered to an institution through the AF Commander or the designated accountable officer by air, rail, or motor transportation as interests of the Government may require. Transportation will be at Government expense except for drayage (see paragraph (b) of this section). Property that requires rail, motor, or air transportation, including property in possession of the AF Commander or the designated accountable officer, will be returned by the institution, f.o.b. carrier's freight dock in the city nearest the institution concerned. Property will be packed, boxed, crated, and prepared for shipment to the destination determined by the Government, in accordance with AF specifications and carrier tariff requirements.
- (b) All drayage of Government property to and from carrier's terminal in city nearest the institution concerned will be furnished by and at the expense of the institution. Bills of lading will be prepared accordingly.

§ 845.16 Lost, damaged, or destroyed property.

- (a) The institution will not be liable for Government property which becomes unserviceable through fair wear and tear. Such property may be returned to the Government for replacement or credit, or should be repaired by the institution in accordance with its written agreement with the Government.
- (b) The institution will not be liable for Government property lost, destroyed, or damaged by fire, flood, theft, tornado, aircraft accident, or other similar causes. without fault or neglect on the part of the institution, its servants, or employees. To determine whether such fault or neglect existed, a survey will be made by a surveying officer appointed in accordance with instructions issued by the Chief of Staff, USAF. Reports of survey for property in the possession of

an institution will be prepared by the AF Commander.

(c) The institution will make good all other loss, damage, or deterioration of Government property for which an institution is responsible. The Comptroller of the Air Force, Hq. USAF, will take action to obtain reimbursement.

(d) The AF Commander or the designated accountable officer will report to the authorities of the institution in writing any facts, circumstances, or conditions which he believes to be prejudicial to the proper protection of Government property against loss through fire, flood, theft, tornado, accident, or similar causes. If proper corrective action is not taken by the institution it will be reported to the Chief of Staff, USAF. All such reports will be made available to surveying officers appointed under paragraph (b) of this section.

(e) The relief of institutions from liability in connection with property referred to in paragraph (b) of this section will in no way nullify any written agreement made by them with the Government for repairs and maintenance.

§ 845.17 Maintenance and repair of property.

- (a) The institution will maintain property loaned to it in good repair and in the same condition as when received, usual wear, tear, and usage excepted, unless otherwise specifically provided for in a written agreement made with the institution.
- (b) Authorized Government representatives will have free access to all Government property loaned to an institution to ascertain the condition of the property and the manner in which it is being safeguarded, stored, maintained, and repaired.
- (c) The Chief of Staff, USAF, may prescribe regulations that will facilitate proper inspection and maintenance of loaned Government property, when such regulations are consistent with the contractual obligations of the institution.

§ 845.18 Care and safekeeping of property.

- (a) None of the property owned by the Government and furnished to an institution under this part will be removed by the institution from the continental limits of the United States. The property will not be used for any other purpose than the instruction of military personnel or the performance of formal contracts pertaining to such instruction unless specifically authorized by the Chief of Staff, USAF.
- (b) Proper storage facilities will be furnished by the institution for all Government property in its possession and in the possession of the AF Commander. The place and manner of storage will satisfactorily provide for the care and safekeeping of Government property to prevent undue and avoidable deterioration.
- (c) Government parts, accessories, and supplies will in no case be stored or mingled with similar articles that belong to the institution. The manner of storage will permit ready identification of the property that is loaned by the Gov-

Sec.

861.1

861.13

ernment and facilitate its inventory when required.

[SEAL] CHARLES M. McDERMOTT, Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-3900; Filed, May 7, 1959; 8:47 a.m.]

SUBCHAPTER F-RESERVE FORCES PART 861—OFFICERS' RESERVE Officer Training School, USAF

In Part 861, §§ 861.1 to 861.22 are added as follows:

861.2 Mission. 861.3 Definitions. Information sources. 861.4 Conduct of training. 861.5 861.6 Eligibility requirements. 861.7 Persons ineligible to apply. 861.8 Waivers of minor offenses. Application procedures. 861.9 Application procedures.

Preliminary processing of applicants.

Where civilians apply.

Final processing of applicants.

Information to be furnished appli-861.10 861.11 861.12

Purpose.

cants. 861.14 Reserve personnel.

Civilian applicants.
Termination of training. 861.15 861.16 Students relieved from training. 861.17

Reinstatement of former students. 861.18 Appointment as an Officer, Reserve 861.19 of the Air Force. 861.20 Termination of airman status.

861.21 Assignment of graduates. 861.22 Clothing.

AUTHORITY: §§ 861.1 to 861.22 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Source: AFR 53-27, Feb. 16, 1959.

§ 861.1 Purpose.

Sections 861.1 to 861.22 tell how to apply for Officer Training School. They explain the disposition of eliminees and graduates of this school.

§ 861.2 Mission.

The mission of the Officer Training School, USAF, is to train selected personnel in the essential fundamentals required for newly commissioned officers in the AF and to perform such other collateral missions as may be directed.

§ 861.3 Definitions.

- (a) Officer training program. training program established to assure the AF of a complement of careerminded officers with a high level of education in subjects related to essential positions. Graduates are tendered appointments as commissioned officers of the AF.
- (b) Officer trainee. A selected applicant on active duty enrolled in the Officer Training School Program.
- (c) Airman applicants. Airmen of the Air Force Reserve not serving on extended active duty may apply as civilian applicants.
- (d) Civilian applicants. United States male citizens who are not in the military service, or members of the Air Force Reserve in Training Category A. The term "civilian" includes all other mem-

bers of Reserve components of the Armed Forces and the National Guard.

(e) Preliminary processing. An allinclusive procedure to determine if an applicant meets the basic eligibility requirements before he is referred for final testing.

(f) Final testing. A series of tests designated by Hq USAF used for final qualification of officer trainee applicants.

(g) Fully qualified applicant. An applicant who has successfully completed all qualifying examinations and has been furnished written notification of his eligibility to compete for selection by the Commander, Air Training Command,

(h) Selected applicant. A fully qualified applicant who has received written notice from Hq, Air Training Command, of his selection and class assignment.

(i) Air Force Academy and aircrew examining center. A Hq USAF designated facility, centrally located with respect to source of applicants and having facilities adequate for final examination of such applicants.

§ 861.4 Information sources.

Information concerning the Officer Training School may be obtained from:

(a) Air Force Recruiting Offices.

(b) Air Force Bases.

- (c) Professor Air Science (AFROTC Units).
- (d) Air National Guard or Air Force Reserve Units.
- (e) Headquarters, Air Training Command.
 - (f) Headquarters USAF.

§ 861.5 Conduct of training.

Air Training Command will procure, select, train, and commission applicants for this program. Applicants will undergo rigid examinations before they are selected for officer training. Once selected, the officer trainee will be required to complete a precommission training course. After successful completion of the precommission training course, the officer trainee will be commissioned as Second Lieutenant, Reserve of the Air Force. The graduate officer will then be assigned direct to duty or to pursue a pilot, navigator, or technical training course. The training course will be determined for each individual based upon his desire and qualifications correlated with the needs of the Air Force.

§ 861.6 Eligibility requirements.

This section outlines the basic eligibility requirements and requisite qualifications which must be met at the time of application. The examining officer will reject all applicants who fail to meet the minimum eligibility requirements.

(a) Age and citizenship. Applicants must be United States male citizens between 20½ and 27½ years of age at the time of application. However, they must be commissioned before reaching their 28th birthday. Those applicants who are desirous of flying training must be United States male citizens between 201/2 and 261/2 years of age at the time of application, but must be enrolled into flying training before reaching their 27th birthday.

(b) Marital status. No restrictions.

(c) Base or residence. Civilian applicants must be residing at time of application in the United States, Hawaii, Puerto Rico, or the Panama Canal Zone.

(d) Educational qualifications. (1) Applicants must be college graduates with a baccalaureate or higher degree from an accredited college or university. The school from which the degree is granted must be listed in the latest issue Part 3, "Higher Education" Education Directory, published by the Office of Education, U.S. Department of Health, Education and Welfare, and bear a levelof-training classification of II, III, or IV and a type-of-program classification of b, c, d, e, f, h, j, or k. In addition, the school must be accredited by a regional association and/or the appropriate association for accreditation of professional curricula. Graduates of schools bearing a type-of-program classification of g may be accepted, dependent upon the needs of the Air Force for the professional skill of the individual applicant.

(2) Applications from students enrolled in their senior year of college may be submitted 135 days before the applicants' scheduled graduation date. Individuals applying in this manner will. be processed as college graduates. Applicants will not be enlisted until documentary evidence has been submitted showing they have been awarded their

(e) Moral character. Applicants must be of the highest moral character.

(f) Medical standards. (1) All applicants will be examined for Flying Class I regardless of the type of training desired or for which selected. Each examinee will be qualified in accordance with the standards he meets.

(2) Applicants must meet the medical standards for the type of training they desire and for which they are selected.

§ 861.7 Persons ineligible to apply.

The following persons are ineligible to apply for this training:

(a) A person not eligible for enlistment or reenlistment in the Air Force excepting dependency and grade restrictions.

(b) For pilot training, a person who holds or has held the aeronautical rating of pilot or comparable rating in any of the Armed Forces of the United States. (Army aviation is not comparable for this purpose.)

(c) For navigator training, a person who holds or has held the aeronautical rating of navigator or comparable rating in any of the Armed Forces of the United States.

(d) A person eliminated or disenrolled from a course of training leading to commissioned status conducted by any of the Armed Forces or service academies of the United States unless recommended by the eliminating authority for further training leading to a commission.

(1) Eligibility of persons disenrolled or eliminated from officer training courses, to include those disenrolled or eliminated from the advanced phase of any ROTC course, will be determined by review of the DD Form 785, Record of Disenrollment from Officer CandidateType Training, in all cases, and the faculty board proceedings, when applicable. For those applicants that have been disenrolled or eliminated from the basic phase of any ROTC course, a DD Form 785 will not be required to determine eligibility for aviation cadet training unless specifically desired by the authority reviewing the application. Requests for information upon which determination of eligibility may be made will be obtained by the base commander of airmen applicants and by recruiting detachment commanders for all civilian applicants:

(i) The Commandant, Professor of Air Science, or Air Force supervisor of the appropriate school, in the case of persons disenrolled from Air Force officer candidate-type training courses. Questionable cases will be referred to Headquarters, Air Training Command, for determination of eligibility or other ap-

propriate action.

(ii) The Director of Personnel Procurement and Training, Headquarters USAF, in the case of persons disenrolled from schools conducted by services other than the Air Force.

- (2) Requests for determination of eligibility will include the name of the applicant, serial number (if applicable),
 courses or type of previous training, place
 and date of disenrollment, and type of
 training for which current application is
 made.
- (3) Courses of training applicable to this section include but are not restricted to:
- (i) Aviation Cadet Training, Air Force or Navy.

(ii) ROTC—Army, Navy, or Air Force (advanced phase of ROTC only).

- (iii) Service academies, including United States Military Academy, United States Naval Academy, United States Air Force Academy, United States Coast Guard Academy, Merchant Marine and State Maritime Colleges.
- . (iv) Officer Candidate School, Air Force, Army, Navy, Marine and Coast Guard.
- (v) United States Marine Platoon Leaders Course.
- (vi) United States Navy Reserve Officer Candidate (ROC) Program.
- (e) A person who is undergoing board action directed toward the resolution of information indicating that the applicant possesses undesirable personal qualities, or a person concerning whom a personnel security clearance has been denied or revoked.
- (f) A person who has a record of conviction by any type of court-martial or civilian court, other than for a minor traffic violation, except that, if appropriate, a request for waiver of a minor offense not considered prejudicial to the performance of duty as an officer may be sent to the Commander, Air Training Command, for consideration in accordance with § 861.8. Punishment imposed under Article 15, Uniform Code of Military Justice, is nonjudicial punishment and will not be considered as conviction by court-martial. A waiver will not be granted for an offense that involves moral turpitude.

(g) A person who is a conscientious objector.

(h) A person whose entry into or retention in the AF may not be clearly consistent with the interest of national security.

(i) A Selective Service System registrant who has been ordered to report for active military service with any of the Armed Forces.

(j) Minor applicants (below age 21) without the written consent of either parent or guardian (DD Form 373).

(k) An applicant who fails to attain the minimum qualifying score on one of the prescribed written tests is not eligible to apply for reexamination until one year has elapsed from the date of last examination.

§ 861.8 Waivers of minor offenses.

See § 861.7(f).) A civilian applicant may submit a request for waiver of a minor offense to any USAF Recruiting Detachment. An airman applicant may submit a request for waiver to his commander. These commanders will forward the applicant's completed application (AF Form 56) and request for waiver to the Commander Air Training Command. Each request for waiver will contain complete information regarding the offense and circumstances involved and will be considered on its own merits as substantiated by the following documents:

(a) Copy of court record if applicant has a record of conviction by any military or civilian court.

(b) Detailed statement by the applicant concerning the offense and circum-

stances involved.

(c) Any additional documentary evidence substantiating the applicant's statement or justifying the request, such as statements from other persons, records of outstanding achievements, awards, and so forth.

(d) Commanders of airmen applicants and commanders of recruiting detachments will review applications and submit recommendations giving reasons for approval or disapproval. The length of time since the offense was committed, age of applicant at time of offense, and the nature and quality of applicant's service and/or conduct since the offense will be indicated by the recommending officer.

§ 861.9 Application procedures.

Application will be accomplished by completing AF Form-56, in duplicate. The applicant's attention will be directed to item 24, AF Form 56, whereby the applicant agrees that, on completion of the training course, he will accept an appointment as an officer in the Reserve of the Air Force in Career Reserve Status. Further, he agrees to remain on extended active duty as a commissioned officer with a minimum 3-year active duty commitment unless sooner relieved by competent authority. He agrees to ac-cept the current active duty commitment for the type of training pursued after being commissioned. In the case of a minor (below age 21 years) such agreement shall be signed with the consent of either parent or guardian. The signature will be notarized by a notary public. Each application will contain:

(a) Evidence of date of birth which may be in the form of a birth certificate, an authenticated copy thereof, or other documentary evidence.

(b) Evidence of citizenship, if the applicant is not a citizen by birth, in the form of a certificate, signed by an officer, notary officer, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of naturalization number (or certified copy of court order establishing citizenship) stating that.....(Full name)

was admitted to United States citizenship by the ______ Court of ______, (District or county)

(State) on (Date)

Note: Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances. (Act of 25 June 1948 (62 Stat. 767, 18 U.S.C. 1426(h))).

(c) An official transcript of college credits indicating the type undergraduate or graduate degree awarded. Applications from students enrolled in their senior year of college will provide an official transcript of college credits with a statement attesting to the fact that he is enrolled in his senior year of college, the date he is scheduled to graduate, and the type degree to be awarded.

(d) A loyalty certificate. Each applicant will be required to complete DD Form 398, Statement of Personal History, FD Form 258, FBI Fingerprint Card, and DD Form 98, Armed Forces Security Questionnaire. If, after proper instruction, the applicant fails to complete the certificate in its entirety or completes it with qualifications or makes entries thereon which provide reason to believe that his apointment would not be clearly consistent with interests of national security, DD Form 398, FD Form 258, DD Form 98 together with the application, AF Form 56, will be forwarded to the Hq USAF (AFPTR), Washington 25, D.C., for appropriate action and decision.

§ 861.10 Preliminary processing of applicants.

To qualify for Officer Training School, all applicants must attain passing scores on all tests administered, as well as meet the required medical standards for the type of training desired after graduation. All applicants must apply for either pilot, navigator, or other specialized training or for all three programs by indicating their preference on the application form. If an applicant, who applied for all three programs, is found disqualified for the training of his first choice, he will continue his processing to determine if he is qualified for his second or third choice. Applicants are required to undergo two phases of processing—preliminary processing and final qualifying examinations.

- (a) Preliminary processing is administered locally by a USAF recruiting detachment officer for civilian applicants. Preliminary processing procedures include:
- (1) Completion of AF Form 56, in duplicate, by the applicant.
- (2) A check to insure that applicants meet the eligibility requirements and

have necessary supporting data such as birth certificate and scholastic records.

(3) An interview to counsel the individual applicant and to determine whether he should be considered for testing.

(4) If not recommended for testing, a notice to the applicant of the reasons for his disqualification.

(b) Final processing is covered in § 861.12.

§ 861.11 Where civilians apply.

A civilian applicant will normally apply at a USAF Recruiting Service Office, with an officer of the traveling procurement team; or in remote areas, at the nearest Air Force base.

§ 861.12 Final processing of applicants.

Each tentatively qualified applicant , referred to an Air Force Academy and Aircrew Examining Center for final processing will be administered the Air Force Officer Qualifying Test (AFOQT), a complete medical examination for flying Class I, and such other examinations as may be directed by Hq USAF. The applicant will be qualified in the highest physical category that he attains regardless of the type of training that he desires. In no instance will this be less than commissioning standards, and waivers for failure to meet these standards will not be granted. Normally, the written examination will be administered and scored before scheduling the medical examination. Applicants who fail to obtain the minimum qualifying score on the officer quality portion of the AFOQT will not be processed further. A person will not be retested under any circumstances on the AFOQT before one year from the date he was last tested.

§ 861.13 Information to be furnished applicants.

(a) Fully qualified applicant. The Commander, Air Training Command, will furnish applicant, who has successfully completed all qualifying examinations, written notification of his eligibility to compete for selection.

(1) Changes affecting status of fully qualified applicants. Fully qualified applicants need not take any further action regarding their applications unless requested to do so. However, Air Training Command must be informed of any changes which affect an applicant, such as:

(i) Enlistment in the Regular Air Force.

(ii) Change of address.

(iii) Modification of physical status which would be disqualifying for training.

(iv) Change of desire for training.

(v) Receipt of notification from the Selective Service System ordering the applicant into the active military scrvice of the United States.

(vi) Receipt of orders to enter the active military service by a fully qualified applicant who is a member of a Reserve Force of the United States other than the Air Force.

(2) Conviction of offenses committed after notification of qualification. Civilian applicants who are guilty of offenses committed after the date they

are determined fully qualified will be processed in accordance with applicable AF regulations. Unit commanders will report conviction of offenses committed by airman applicants to the Commander, Air Training Command, to determine eligibility for entrance into training.

(b) Selected applicant. (1) A selected applicant is a fully qualified applicant who has received written notification of his selection and assignment. Commander, Air Training Command, will notify applicants of their selection. Their acceptance in the program will be contingent on the applicant's signed agreement to accept the training course for which he has been selected.

(2) Applicants will be considered by the selection board for a minimum of two classes. An applicant, who has been considered for one class, and not selected, will be notified that his application is being retained for further consideration. If the applicant is not selected, he will be notified of the non-selection and his personal documents will be returned. If eligible, a non-selected applicant may reapply after one year has elapsed from the date of his last testing.

(3) A draft eligible civilian applicant who is subsequently notified of his acceptance for officer training will not be furnished a draft deferment. If an applicant is ordered to report to active military service by the Selective Service System before he has received written notification of his selection, his application for officer training will be canceled.

(4) A report of medical examination (SF 88) must be accomplished within 90 days from the date of application for officer training. At the time of entry into training, the report of medical examination must not be more than one year old. If the date of the report of medical examination has expired, the selected applicant will be required to undergo a second medical examination. Selected civilian applicants will be instructed that the two copies of the completed SF 88 furnished them must be submitted to the enlisting agency.

(5) After notification of selection and class assignment, selected civilian applicants will be required to enlist in the Regular Air Force as E>1 (Basic Airman) for two years unless authorized under current enlistment directives to enlist in a higher grade. Upon enlisting, the selected applicant will be temporarily promoted to E-5 (Staff Sergeant).

(c) Disqualified applicants. Disqualified applicants will be advised as soon as possible of the reason for disqualification. An applicant who fails to attain the minimum qualifying score on the AFOQT will not be furnished information as to scores made on the tests but only that he failed to attain the minimum qualifying score.

§ 861.14 Reserve personnel.

(a) Air Force. Eligible AF Reserve personnel in Category A may apply.

(b) Other services. Members of Reserve Forces other than Category A of the AF Reserve, who are neither in nor alerted for active military service may apply for officer training and will be

1

processed as civilian applicants in accordance with § 861.11. Reservists other than AF Reservists must obtain a conditional release from the service in which he holds Reserve status. The policy pertaining to enlistment of personnel of Reserve Forces will apply.

§ 861.15 Civilian applicants.

The Commander, Air Training Command, will furnish letters of acceptance and class assignments to fully qualified and selected applicants. Letters of acceptance will authorize selected applicants to enlist in the Regular Air Force for a period of two years. After enlisting and being temporarily promoted to E-5 (Staff Sergeant), the selected applicant who has received class assignment instructions will be assigned to the Air Force Officer Training School.

§ 861.16 Termination of training.

(a) Suspension. When the faculty board of an AF school determines that an officer trainee is no longer qualified to continue in his course of training, the commandant or AF supervisor, as applicable, will suspend the student from training. Upon final approval of the faculty board proceedings, the commandant will terminate the student's appointment as an officer trainee. The faculty board proceedings will indicate in all instances whether the student is recommended for further training leading to a commission at a later date. Specific reasons will be given in the faculty board proceedings if the recommendations are in the negative. Responsible commanders will insure at the time of elimination that the student is given a thorough and proper hearing and that all extenuating circumstances have been completely reviewed.

(b) Grade. For an officer trainee eliminated from training, the commandant will publish orders on the elimi-

nated students as follows:

(1) Civilian, to E-1 (Airman Basic). Members of the AF Reserve processed as civilians) will revert to the grade held before his enlistment in the AF for the Officer Training School Program.

(c) Separation from the AF. Commandant will afford an eliminated officer trainee, whose current enlistment was specifically for the Officer Training School Program, the opportunity to request in writing, relief from active duty if he has not completed his military service obligation; discharge from the AF if he has completed his military service obligation; or to complete his enlistment contract on active duty. Should he elect to complete his enlistment contract on active duty, he will not again be permitted to request relief from active duty or discharge under this authority. Eliminated students who request release from active duty and who have a remaining military service obligation will be transferred to the AF Reserve for the remainder of their military service obligation. and they will be initially assigned to the Ineligible Reserve Section, Air Reserve Records Center, Denver 5, Colorado. Personnel who become members of the AF Reserve are deferred or exempt from induction provided that they meet parapplicable AF directives.

§ 861.17 Students relieved from training.

(a) Reassignment. Eliminated or disqualified students, other than those discharged or released from active duty in accordance with § 861.16(c), will be reassigned.

(b) Service credited. Periods of service as an officer trainee will be credited as time spent in the airman grade at time of appointment as an officer trainee and will be credited in computing the service remaining under the original enlistment contract.

(c) Separation. If an airman who had completed his military service obligation is eliminated during the extension period. he will be discharged; but if he has not completed his military service obligation, he may request release from active duty and transfer to the AF Reserve, or he may request to remain on active duty to complete his enlistment contract.

§ 861.18 Reinstatement of former students.

(a) Academic deficiency. Students eliminated from training because of academic deficiency will not be reinstated at a later date unless recommended for further officer training by the faculty board. At least 1 year must elapse from the date of termination of student status before reapplication.

(b) Military deficiency. Students eleminated from training because of military deficiency will not be reinstated.

- (c) Medical. Students eliminated from training because of medical disqualification may reapply, if a later medical examination indicates that the previous disqualification has been corrected or no longer exists. However, the former student must meet all other requirements for appointment and must have been recommended for reinstatement by the eliminating authority.
- (d) Resignation. A student who resigns from the training program will not be reinstated.
- (e) Emergency leave. A student may be granted emergency leave under regulations issued by the Commander, Air Training Command. In such an instance, he will be held over for succeeding classes, if necessary. The length of time involved or the number of "holdovers" granted any one student will be determined by the Commander, Air Training Command.

§ 861.19 Appointment as an Officer, Reserve of the Air Force.

(a) Tendering appointment. Students who successfully complete the prescribed officer training course and who are mentally, morally, and physically qualified will be tendered appointments as Second Lieutenant, Reserve of the Air Force, for an indefinite term. Each graduate, so appointed, will be ordered into active military service as a career Reserve officer. The officer will serve for a minimum period of three years from the date of graduation from officer training unless sooner relieved by orders of competent authority. In addition, offi-

ticipation requirements as outlined in cers undergoing training subsequent to commissioning will incur active duty service commitments for training. Each graduate will be assigned direct to duty or be given additional training appropriate to his qualifications and desires and correlated with AF requirements. The type of training which the graduate will pursue will be determined by Hg Air Training Command, before he enters Officer Training School.

(b) Review. Before graduation, the faculty board of the school will review the qualifications of each student to graduate and will prepare for each one a report indicating that he is or is not mentally, morally, physically, and professionally qualified for appointment in the grade of Second Lieutenant, Reserve of the Air Force, with appropriate recommendations for appointment. The physical qualification for appointment will be determined by using any medical examination, sufficiently detailed for each determination as prescribed in applicable AF directives, completed within 12 months immediately preceding the date of appointment as an Officer, Reserve of the Air Force, unless reexamination is indicated because of a serious intervening illness or injury. If the recommendation is in the negative, appropriate elimination action will be

(c) Report. The report of the faculty board will be sent to the Commander,

Air Training Command.

(d) Graduates who decline to accept appointment. A graduate who declines to accept an appointment as an Officer, Reserve of the AF, will be disposed of as an eliminated student. His appointment as an officer trainee, or status as an eliminated student, will be terminated as outlined in § 861.16 and he may be reassigned within the AF in accordance with § 861.17.

§ 861.20 Termination of airman status.

When commissioned in accordance with § 861.19, the student will be discharged from his airman status. The commandant will prepare a discharge certificate and report of separation as of the day preceding the date of acceptance of appointment as a commissioned officer. The discharge certificate and report of separation will not be delivered to the graduate until after the oath as a commissioned officer has been administered. The reason and authority for discharge will be entered on the report of separation.

§ 861.21 Assignment of graduates.

(a) The Commander, Air Training Command, will assign the graduates of the Officer Training School. He will report and identify the students by rated, by direct to duty, or by nonrated technical training assignments to Hq USAF within 3 days after entry into the Officer Training School.

(b) Commander, Air Training Command, will assign graduates to pilot and navigator training in accordance with existing criteria. Graduates who will enter technical training schools will be assigned by the bulk allocation system. Officers assigned direct to duty will be

assigned by ATC in consonance with instructions provided by Hq USAF.

(c) Graduates of flying training or technical training schools will incur the active duty service commitment for the type of training received with a minimum of 3 years' active duty. Officers desiring release must request release from extended active duty in accordance with existing directives.

§ 861.22 Clothing.

Officer trainees selected from civilian status will be provided clothing under the clothing monetary allowance system.

[SEAL] CHARLES M. McDERMOTT, Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-3901; Filed, May 7, 1959; 8:47 a.m.]

SUBCHAPTER G-PERSONNEL

886-MILITARY PERSONNEL PART SECURITY PROGRAM

Revocation

In Part 886, §§ 886.1 to 886.12 are revoked. (22 F.R. 3295, May 10, 1957; 22 F.R. 8292, November 21, 1957)

[SEAL] CHARLES M. MCDERMOTT. Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-3902; Filed, May 7, 1959; 8:47 a.m.]

Title 43—PUBLIC LANDS:

Chapter I-Bureau of Land Management, Department of the Interior

> APPENDIX-PUBLIC LAND ORDERS [Public Land Order 1843] [Montana 012788] .

MONTANA

Withdrawing Public Lands for Use of the Forest Service as Administrative Sites, Recreation Areas, Public Service Sites and for Other Public Purposes

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands within certain national forests in Montana are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, public service sites and for other public purposes:

RULES AND REGULATIONS

MONTANA PRINCIPAL MERIDIAN BEAVERHEAD NATIONAL FOREST

Vigilante Experimental Range

T. 9 S., R 2 W., unsurveyed, Sec. 31, E1/2; Sec. 32; Sec. 33, S%NW14, SW14, and W1/2SE1/4.

Sec. 33, S½NW¼, SW¼, and W½SE¼.
T. 9 S., R. 3 W.,
Sec. 34, E½SW¼, and lots 6, 7, and 8;
Sec. 35, E½SW¼, SW¼SW¼, and SE¼;
Sec. 36, W½SW¼, and SE¼SW¼.
T. 10 S., R. 2 W., unsurveyed,
Sec. 4, SW¼NE¾, and W½;
Secs. 5, 6, and 7;
Sec. 8, N½, SW¼, and N½SE¼;
Sec. 9, NW¼ and NW¼SW¼.
T. 10 S., R. 3 W.,
Secs. 1, 2, and 3; Secs. 1, 2, and 3; Sec. 9, E½E½; Secs. 10, 11, and 12.

(Totaling 9,114.77 acres.)

Cliff Lake Natural Área

T. 12 S., R. 1 E., Sec. 27, E1/2 and E1/2 W1/2; Sec. 23: Sec. 24, lots 2, 6, 7, and SW1/4SW1/4; Sec. 25, lots 3, 4, 10, and 11; Sec. 34, N% NE¼ and NE¼NW¼;
Sec. 35, N½NE¼ NE¼, N½NW¼NE¼,
SW¼NW¼NE¼, and N½NW¼;
Sec. 36, lot 2. (Totaling 2,271.86 acres.)

BITTERROOT NATIONAL FOREST

Piquett Creek Experimental Forest

T. 1 N., R. 21 W., Sec. 1, lots 3, 4, 5, 6, 11, 12, 13, 14, and W1/2SW1/4; Sec. 2: Sec. 3, E1/2; Sec. 9, E1/2; Secs. 10 and 11; Secs. 10 and 11; Sec. 12, NW¼; Sec. 13, NW½,NW½ and SW½; Secs. 14 and 15; Sec. 16, lots 1, 2, S½,NE½, and SE½,SE½; Sec. 22, NW½,NW½; Sec. 23, NE½,NW½ and NE¼; Sec. 24, NW½, and NW½,NE½. (Totaling 5,614.87 acres.)

CUSTER NATIONAL FOREST

Meyers Creek Administrative Site

T. 4 S., R 15 E. .45., K 15 E., Sec. 7, SE¼SW¼ and S½SE¼; Sec. 18, NW¼NE¼, E½NE¼, and NE¼NW¼. (Totaling 280 acres.)

Breakneck Administrative Site

T. 5 S., R. 13 E., unsurveyed, Sec. 34, W½NW¼NE¼ and E½NE¼NW¼. (Totaling 40 acres.)

Woodbine Administrative Site

T. 5 S., R. 15 E., Sec. 32, SW 1/4 NE 1/4 and N 1/2 NW 1/4 SE 1/4. (Totaling 60 acres.)

Wounded Man Administrative Site,

T. 6 S., R. 13 E., unsurveyed, Sec. 35, NW 1/4 SE 1/4. (Totaling 40 acres.)

Rock Creek Administrative Site °

T. 8 S., R. 20 E., Sec. 6, lots 1, 2, S½NE¼, and SE¼. (Totaling 320.21 acres.)

Red Lodge Creek Administrative Site

T. 7 S., R. 18 E., unsurveyed Sec. 1, NE¼ and E½NW¼. (Totaling 240 acres.) Whitetail Administrative Site

T.2 S., R. 47 E., Sec. 19, SE4/SW4/, SE4/NE4/SW4/, SW4/ NW4/SE4/, W4/SW4/SE4/. (Totaling 80 acres.)

Liscon Creek Administrative Site

T. 1 S., R. 46 E., Sec. 3, NW¼SE¼. (Totaling 40 acres.)

Three Mile Administrative Site

T. 4 S., R. 47 E., Sec. 8, SW¼NE¼. (Totaling 40 acres.)

Fort Howes Administrative Site

T. 6 S., R. 46 E., Sec. 19, lots 1, 2, 3, and 4. T. 6 S., R. 45 E., Sec. 24, lots 1, 4, 5, 6, 7, and 8. (Totaling 269.42 acres.)

Tooley Creek Administrative Site

T. 7 S., R. 45 E., Sec. 20, N1/2 SE1/4. (Totaling 80 acres.)

Cub Creek Administrative Site

T. 7 S., R. 45 E., Sec. 14, NW¼SE¼SW¼ and SE¼SE¼ SW¼. (Totaling 20 acres.)

Needmore Administrative Site

T. 1 N., R. 58 E., Sec. 23, SE¼NE¼ and NE¼SE½. (Totaling 80 acres.)

Woodbine Camp

T. 5 S., R. 15 E., Sec. 32, E½SW¼, SW¼NW¼SE¼, and NW¼SW¼SE¼. (Totaling 100 acres.)

Sioux Charley Camp

T. 6 S., R. 14 E., unsurveyed 12, SW1/4SE1/4NE1/4 and NW1/4NE1/4 SE14.

(Totaling 20 acres.)

Wickham Gulch Camp

T. 3 S., R. 62 E., Sec. 16, N1/2 NE1/4. (Totaling 80 acres.)

Lantis Spring Camp

T. 2 S., R. 61 E., Sec. 27, N½SE¼. (Totaling 80 acres.)

American Legion of Ekalaka (Organization Camp)

T. 1 N., R. 58 E., Sec. 24, SW1/4NW1/4SE1/4 and NW1/4SW1/4 SE14. (Totaling 20 acres.)

Lions Club Youth Camp (Organization Site) T. 8 S., R. 19 E.,

Sec. 33, SW1/4 SE1/4 (Totaling 40 acres.)

DEER LODGE NATIONAL FOREST

Bernice Experimental Forest

T. 6 N., R. 7 W., Sec. 26, lots 6, 7, 8, W½SE¼, and SW¼; Sec. 27, S1/2; Sec. 28, 5½; Sec. 33, and 34; Sec. 35, lots 1, 2, 3, 4, 5, W½NE¼, W½, and SE¼SE¼.

Pipestone Ski Area

T. 1, N., R. 7 W., Sec. 11, NW 14, N1/2 SW 14, and W 1/2 NE 1/4. (Totaling 320 acres.)

(Totaling 2,786.27 acres.)

Racetrack Administrative Site and Public Service Site

T. 6 N., R. 11 W., Sec. 11, S½SE¼; Sec. 14, N½NE¼. (Totaling 160 acres less a fraction of about 1 acre of H.E.S. 199.)

Lowlands Campground

T. 7 N., R. 7 W., Sec. 32, NW1/4 SE1/4 and NE1/4 SW1/4. (Totaling 80 acres.)

Elk Park Campground

T. 5 N., R. 6 W., Sec. 21, SE¼SE¼NE¼ and NE¼NE¼SE¼; Sec. 22, SW½SW¼NW¼ and NW¼NW¼ SW1/4 (Totaling 40 acres.)

Lime Kiln Campground

T. 1 N., R. 7 W., Sec. 16, N1/2 SE1/4. (Totaling 80 acres.)

Kaiser Lake Recreation Area

T. 4 N., R. 15 W., Sec. 18, lots 1, 2, 3, 4, and E½ W½. (Totaling 299 acres.)

Moose Lake Recreation Area

T. 4 N., R. 16 W., Sec. 36, exclusive of patented lands. (Totaling 425 acres.)

Flume Creek Campground

T. 5 N., R. 17 W., unsurveyed Sec. 2, SW 1/4 (Totaling 160 acres.)

Stony Lake Campground

T. 6 N., R. 17 W., unsurveyed Sec. 32, NE1/4. (Totaling 160 acres.)

Copper Creek Campground

T. 4 N., R. 16 W., Sec. 25, S½NW¼SW¼, SW¼SW¼, exclusive of H.E. No. 172; Sec. 26, SE½NE¼SE½ and E½SE½SE¼. (Totaling 75 acres.)

> Squaw Rock Campground and Administrative Site

T. 4 N., R. 16 W., Sec. 21, S½. (Totaling 320 acres.)

Sunnyside Administrative Site

6 N.R. 5 W.,
Sec. 19, E½NE¼NW¼, SE¼NW¼, W½
NW¼NE¼, W½SW¼NE¼, W½E½SW¼
NE¼, E½NE¼SW¼NE¼, NE¼SE¼
SW¼NE¼, SE¼NE¾NE¾, E½SW¼
NE¼NE¼, N½SE¼NE¾, N½S½SE¼
NE¼, NW¼NW¼SE¼, N½NE¼SW¾,
NE¼, NW¼NW¼SE¼, N½NE¼SW¾, NE¼NW¼ŚW¼

Sec. 20, W½NW¼SW¼NW¼ and NW¼ SW¼SW¼NW¼. (Totaling 205 acres.)

Bison Creek Campground and Shamrock Picnic Area

T. 5 N., R. 6 W.,

.5 N., R. 6 W.,
Sec. 3, those portions of lots 7 and 8 and homestead entry survey 226 situated in what would be the SW4SW4;
Sec. 4, lots 1, 2, 5, 6, S½NE¼, NW4SE¼ and that portion of homestead entry survey 226 in sec. 4;
Sec. 9, that portion of homestead entry survey 226 situated in what would be the NEW NEW SEC. 9.

NE¼NE¼, sec. 9; Sec. 10, lots 1, 2, SE¼NW¼ and that por-

tion of homestead entry survey 226 in sec. 10.

(Totaling 560 acres.)

Mormon Gulch Campground

T. 5 N., R. 6 W., Sec. 21, S½ NW¼. (Totaling 80 acres.)

Whitehouse Camp

T. 6 N., R. 7 W., Sec. 21, lots 1, 2, 6, and SE1/4 NE1/4. (Totaling 123.64 acres.)

Winter Sports Area and Two Campgrounds

T. 5 N., R. 13 W., (Totaling 437.5 acres.)

Spring Hill Camp and Picnic Areas

T. 5 N., R. 13 W., Sec. 24, lots 2, 3, 4, and SE¼. (Totaling 292.38 acres.)

Foster Creek Campground

T. 5 N., R. 12 W., Sec. 17, lots 3, 4, and N½SW¼. (Totaling 168.28 acres.)

Cable Mountain Camp and Picnic Area

T. 5 N., R. 13 W., Sec. 5, lot 1 (less patented mineral entry). (Totaling 29 acres.)

Echo Lake Picnic Area

T. 6 N., R. 13 W., Sec. 31, lots 1, 4, and W½NE¼. (Totaling 140.85 acres.)

East Fork Camp

T. 4 N., R. 14 W., unsurveyed,

(Totaling 160 acres.)

FLATHEAD NATIONAL FOREST

Coram Experimental Forest

T. 31 N., R. 18 W., unsurveyed, Sec. 30, SW1/4NW1/4, W1/2SW1/4, S1/2SW1/4, and SW1/4SE1/4; Sec. 31, NW1/4NW1/4NE1/4, W1/2, and W1/2

Sec. 21, N. 74. 72. 75. 8E. 75

Sec. 25, unsurveyed;

Sec. 26, E½, E½W½, SW¼NW¾, and NW¼SW¼; Sec. 27, SE¼NE¼;

Sec. 34, $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, and $E\frac{1}{2}SE\frac{1}{4}$;

Sec. 35; Sec. 36, unsurveyed.

T. 30 N., R. 18 W., unsurveyed

Sec. 6, W1/2

Sec. 7, NW1/4NW1/4 and W1/2SW1/4; Sec. 18, W1/2 W1/2; Sec. 19, N1/4NW1/4 and SE1/4NW1/4.

T. 30 N., R. 19 W.,

Sec. 1; Sec. 2:

Sec. 3, lots 1, 5, 6, and 10;

Sec. 10, lot 1;

Sec. 11, lots 1, 2, 3, 4, 5, 6, 7, NE¼, NE¼ NW¼, SW¼SW¼, SW¼SE¼, and E½

Secs. 12, 13, and 14.

(Totaling 8,074.44 acres.)

The areas withdrawn by this order total in the aggregate approximately 34,107.49 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

> ELMER F. BENNETT, Acting Secretary of the Interior.

MAY 4, 1959.

[F.R. Doc. 59-3894; Filed, May 7, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

ORANGES (TEXAS AND STATES OTHER THAN FLORIDA, CALIFORNIA AND ARIZONA) 1

United States Standards

Notice is hereby given that the United States Department of Agriculture is considering the amendment of the United States Standards for Oranges (Texas and States other than Florida, California and Arizona) (7 CFR, §§ 51.680 to 51.717) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-8, 60 Stat. 1087, as amended; 7 U.S.C. 1621-27).

The proposed amendments provide for a U.S. No. 2 Russet grade; provide for minimum and maximum diameter requirements for oranges packed in 1% bushel containers under standard pack requirements; and a standard sizing and fill requirement for certifying pack in containers in which fruit is not arranged according to a definite pattern.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than June 15, 1959.

The proposed standards, as amended, are as follows:

GENERAL

Sec 51.680 General.

GRADES

U.S. Fancy. 51.681 U.S. No. 1. 51.682 U.S. No. 1 Bright. U.S. No. 1 Bronze. 51.683 51.684 U.S. Combination. 51.685 51.686 U.S. No. 2. 51.687 U.S. No. 2 Russet. U.S. No. 3. 51.688

UNCLASSIFIED

51.689 Unclassified.

TOLERANCES

51.690 Tolerances.

APPLICATION OF TOLERANCES

51.691 Application of tolerances.

STANDARD PACK

51.692 Standard pack for oranges except Temple variety.

STANDARD SIZING AND FILL

51.693 Standard sizing and fill.

DEFINITIONS

Sec. 51.694 Similar varietal characteristics. 51.695 Well colored. 51.696 Firm. Well formed. 51.697 Smooth texture. 51.698 51.699 Injury. 51.700 Discoloration. 51.701 Fairly smooth texture. Damage. 51,702 Fairly well colored. 51.703 51.704 Reasonably well colored. Fairly firm. 51.705 51.706 Slightly misshapen. 51,707 Slightly rough texture. 51.708 Serious damage. Misshapen. 51.709 51.710 Slightly spongy.

AUTHORITY: §§ 51.680 to 51.712 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

Very serious damage.

GENERAL

§ 51.680 General.

51.712 Diameter.

51.711

These standards apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines for which separate U.S. Standards are issued. These standards do not apply to Florida, or to California and Arizona for which separate United States Standards are issued.

GRADES

§ 51.681 U.S. Fancy.

"U.S. Fancy" consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture; free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, and free from injury caused by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and free from damage caused by dirt or other foreign material, dryness or mushy condition, sprouting, sunburn, riciness, or woodiness of the flesh, disease, insects or mechanical or other means.

(a) In this grade not more than onetenth of the surface in the aggregate may be affected by discoloration. § 51.690.)

§ 51.682 U.S. No. 1.

"U.S. No. 1" consists of oranges of similar varietal characteristics which are firm, well formed, mature, and of rairly smooth texture; free from bruises, cuts which are not healed, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign material, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects or mechanical or other means.

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

- (a) Oranges of the early and midseason varieties shall be fairly well colored.
- (b) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.
- (c) In this grade not more than one-third of the surface in the aggregate may be affected by discoloration. (See § 51.690.)

§ 51.683 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-tenth of its surface in the aggregate affected by discoloration. (See § 51.690.)

§ 51.684 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except that more than 10 percent but not more than 75 percent, by count, of the fruit shall have in excess of one-third of the surface in the aggregate affected by discoloration: Provided, That when the predominating discoloration on each of 75 percent or more, by count, of the fruit is caused by rust mite, all fruit may have in excess of one-third of the surface affected by discoloration. (See § 51.690.)

§ 51.685 U.S. Combination.

Any lot of oranges may be designated "U.S. Combination" when not less than 50 percent, by count, of the fruit in each container meets the requirements of U.S. No. 1 grade, and each of the remainder of the oranges meets the requirements of U.S. No. 2 grade, except that the fruit shall meet the following requirements for color:

(a) In this grade the U.S. No. 1 oranges shall be fairly well colored and the U.S. No. 2 oranges shall be reasonably well colored. (See § 51.690.)

§ 51.686 U.S. No. 2.

"U.S. No. 2" consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, not more than slightly rough, which are free from bruises, cuts which are not healed, decay, growth cracks, and free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign material, dryness or mushy condition, green spots or oil spots; pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects or mechanical or other means.

(a) Each orange of this grade shall be reasonably well colored.

(b) In this grade not more than one-half of the surface in the aggregate may be affected by discoloration. (See § 51.690.)

~§ 51.687 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected by discoloration. (See § 51.690.)

§ 51.688 U.S. No. 3.

"U.S. No. 3" consists of oranges of similar varietal characteristics which are mature; which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed and from decay, and free from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh. disease, insects or mechanical or other means.

(a) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.690.)

UNCLASSIFIED

§ 51.689 Unclassified.

"Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.690 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) U.S. Fancy Grade. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(b) U.S. No. 1 Grade. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than onetwentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 20 percent, by count, of the fruits in any lot may have discoloration in excess of onethird of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

(c) U.S. No. 1 Bright Grade. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than

one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(d) U.S. No. 1 Bronze Grade. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 21/2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of onethird of their surface in the aggregate affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required! Provided, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(e) U.S. Combination Grade. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than onehalf of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided. That an additional tolerance of 21/2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have more than the amount of discoloration specified. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U.S. No. 1 required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U.S. No. 1 required or specified: Provided, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(f) U.S. No. 2 Grade. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 2½ percent, or a total of not

more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(g) U.S. No. 2 Russet Grade. Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: Provided, That an additional tolerance of 21/2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. Individual containers may have less than the required percentage of fruits having in excess of onehalf of their surface, in the aggregate, affected by discoloration: Provided, That the entire lot averages within the percentage required. None of the foregoing tolerances shall apply to wormy fruit.

(h) U.S. No. 3 Grade. Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: Provided. That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.691 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: Provided, That the averages for the entire lot are within the tolerances specified for the grade:

(a) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: Provided, That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, en route or at destination, not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.692 Standard pack for oranges § 51.693 Standard sizing and fill. except Temple variety.

(a) Oranges shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes or cartons, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers. When oranges are packed in standard nailed boxes, each box shall have a minimum bulge of 11/4 inches; when packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruit in any container are outside the range of diameters given in the following tables for various packs and different sizes of containers.

TABLE T [When packed in 13% bushel containers or half-13% bushel containers]

Count in box pack	Count in half box pack	Diameter in inches			
		Minimum	Maximum		
126's	63 75 88 100 108 126 144 162	33/16 21/5/16 21/9/16 21/16/16 27/16 25/16 23/16	3915 3516 3316 21516 21316 21716 2916		

TABLE II

[When packed in 13% bushel containers or half-13% bushel containers]

Count in box pack	Count in	Diameter in inches			
	pack		Maximum		
06's	48 63 75 88 100 108 126 144 162	3616 3916 3 21416 21416 21916 2816 2916 2416	3316		

(d) "Uniform in size" means that for either 1% bushel or 1% bushel containers when oranges are packed for 150 box count or smaller size, or equivalent sizes when packed in other containers, not less than 90 percent, by count, of fruits in any container shall be within a diameter range of four-sixteenths inch; when packed for 126 box count or larger size, or equivalent sizes when packed in other containers, not less than 90 percent, by count, of the fruits in any container shall be within a diameter range of five-sixteenths inch.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

STANDARD SIZING AND FILL

(a) Boxes or cartons in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing and fill: Provided, That the oranges in the containers are at least fairly uniform in size as defined in § 51.692: And provided further, That the contents have been properly shaken down and the container is at least level full at time of packing.
(b) In order to allow for variations

incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing and fill.

DEFINITIONS

§ 51.694 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.695 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.696 Firm.

"Firm" as applied to common oranges. means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.697 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.698 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.699 Injury.

"Injury", unless otherwise specifically defined in this section, means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Green spots or oil spots when appreciably affecting the appearance of the individual fruit:

(b) Rough and excessively wide or protruding navels when protruding beyond the general contour of the orange: or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange:

(c) Scale when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(d) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(e) Thorn scratches when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the

§ 51.700 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by smooth or fairly smooth, superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent that the shade and amount of discoloration allowed for the grade.

§ 51.701 Fairly smooth texture.

"Fairly smooth texture" means that the skin is not materially rough or coarse and that the skin is not thick for the variety.

§ 51.702 Damage.

"Damage", unless otherwise specifi-cally defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

- (a) Ammoniation when not occurring as light speck type similar to melanose;
- (b) Creasing when causing the skin to be materially weakened;
- (c) Dryness or mushy condition when affecting all segments of common oranges more than one-fourth inch at the stem end, or all segments of varieties of the Mandarin group more than one-eighth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;
- (d) Green spots or oil spots when the aggregate area exceeds the area of a circle seven-eighths inch in diameter on an orange of 200-size. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided*, That the appearance of the orange is not affected to a greater extent than the area permitted on a 200-size orange;
- (e) Scab when it cannot be classed as discoloration, or appreciably affects shape or texture:
- (f) Scale when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a blotch the area of a circle five-eighths inch in diameter;
- (g) Scarring which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:
- (1) Scars when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a

diameter:

(2) Scars when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a slightly rough scar with slight depth aggregating the area of a circle seveneighths inch in diameter;

(3) Scars when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a smooth or fairly smooth scar with slight depth aggregating the area of a circle 11/4 inches in diameter; and,

(4) Scars which are smooth or fairly smooth with no depth and affect the appearance of the orange to a greater extent than the amount of discoloration permitted. (Smooth or fairly smooth scars with no depth shall be scored against the discoloration tolerance);

(h) Split, rough or protruding navels when there are more than three splits, or when any split is unhealed or more than one-fourth inch in length; or when any navel opening is so wide or navel growth so folded or ridged that it materially affects the appearance of the fruit; or when the navel flares, bulges or protrudes beyond the general contour of the orange to the extent that it is subject to mechanical injury in the process of proper grading, packing and handling;

(i) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened or hard;

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,

(k) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.703 Fairly well colored.

"Fairly well colored" means that except for one inch in the aggregate of green color, the yellow or orange color predominates over the green color on that part of the fruit which is not discolored.

§ 51.704 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least twothirds of the fruit surface in the aggregate which is not discolored.

§ 51.705 Fairly firm.

"Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsuma, King, Mandarin) means that the fruit is not extremely puffy or the skin extremely loose.

§ 51.706 Slightly misshapen.

"Slightly misshapen" means that the deep, rough or hard scar aggregating the fruit is not of the shape characteristic

area of a circle one-fourth inch in of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.707 Slightly rough texture.

"Slightly rough texture" means that the skin is not smooth or fairly smooth but is not excessively rough or excessively thick, or materially ridged, grooved or wrinkled.

§ 51.708 Serious damage.

"Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and the aggregate area exceeds the area of a circle threefourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 11/4 inches in diameter:

(b) Buckskin when aggregating more than 25 percent of the fruit surface, or when the fruit texture is seriously affected:

(c) Creasing when so deep or extensive that the skin is seriously weakened:

(d) Dryness or mushy condition when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than onefourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(e) Green spots or oil spots when seriously affecting the appearance of the individual fruit;

(f) Scab when it cannot be classed as discoloration, or when materially affecting shape or texture;

(g) Scale when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a blotch the area of a circle seven-eighths inch in diameter;

(h) Scarring which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a deep or rough scar aggregating the area of a circle one-half inch in diameter;

(2) Scars when the appearance of the fruit is affected to a greater extent than that of a 200-size orange which has a slightly rough scar with slight depth aggregating the area of a circle 11/4 inches in diameter; and,

(3) Scars which are slightly rough, smooth or fairly smooth with no depth and affect the appearance of the orange to a greater extent than the amount of discoloration permitted. (Slightly rough, smooth or fairly smooth scars with no depth shall be scored against the discoloration tolerance);

(i) Split, rough or protruding navels when there are more than four splits, or

when any split is unhealed or more than one-half inch in length, or when the aggregate lengths of all splits exceed one inch; or when any navel opening is so wide or navel growth so badly folded or ridged that it seriously affects the appearance of the fruit; or when the navel protrudes beyond the general contour of the orange to the extent that it is subject to mechanical injury in the process of proper grading, packing or handling;

(j) Sprayburn which seriously affects the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a cir-

cle 11/4 inches in diameter;

(k) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 11/4 inches in diameter;

(1) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle onehalf inch in diameter, or slight scratches, when light colored and concentrated and the aggregate area exceeds the area of a circle 11/2 inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above:

(m) Undeveloped or sunken segments, in navel oranges, when such segments are so sunken or undeveloped that they are readily noticeable; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.709 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.710 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.711 Very serious damage.

"Very serious damage", unless otherwise specifically defined in this section. means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation when aggregating more than the area of a circle 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks when not healed;

(d) Caked melanose when more than 25 percent in the aggregate of the surface of the fruit is caked;

(e) Buckskin when rough and aggregating more than 50 percent of the sur-

face of the fruit;
(f) Creasing when so deep or extensive that the skin is very seriously weakened;

(g) Dryness or mushy condition when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(h) Scab when aggregating more than 25 percent of the surface of the fruit;

(i) Scale when covering more than 25 percent of the surface of the fruit;

(j) Split navels when not healed or the fruit is seriously weakened;

(k) Sprayburn when seriously affecting more than one-third of the fruit surface:

(1) Sunburn when seriously affecting more than one-third of the fruit surface; (m) Thorn punctures when not healed or the fruit is seriously weakened; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.712 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

Dated: May 5, 1959.

ROY W. LENNARTSON, Deputy Administrator, Marketing Services.

[F.R. Doc. 59-3916; Filed, May 7, 1959; 8:49 a.m.1

Agricultural Research Service [9 CFR Part 27] IMPORTED PRODUCTS Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U.S.C. 1003 (a)) that the Department of Agriculture is con-Meat Inspection Regulations (9 CFR 27.2) issued under section 306 of the Tariff Act of 1930 (19 U.S.C. 1306) by adding Honduras and Yugoslavia to the list of countries specified therein from which certain product (meat, meat food product, and meat byproduct) may be imported into the United States as provided in said regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of May 1959.

> M. R. CLARKSON. Acting Administrator, Agricultural Research Service.

[F.R. Doc. 59-3883; Filed, May 7, 1959; 8:45 a.m.1

DEPARTMENT OF HEALTH. EDU-CATION. AND WELFARE

Food and Drug Administration [21 CFR Part 19]

CHEESES; CHEESES; PROCESSED CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Standards of Identity for Blue Cheese and Gorgonzola Cheese

Notice is hereby given that a petition has been filed by the National Cheese Institute, 110 North Franklin Street, Chicago, Illinois, representing members who manufacture and distribute blue cheese and gorgonzola cheese, setting forth proposed amendments to the regulations fixing and establishing standards of identity for blue cheese (21 CFR and 21 CFR, 1957 Supp., 19.565) and for gorgonzola cheese (21 CFR and 21 CFR, 1957 Supp., 19.567).

Pursuant to the authority of the Fed-

eral Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (23 F.R. 9500), all interested persons are hereby invited to present their views in writing regarding the proposals published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education. and Welfare Building, 330 Independence

Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER. It is proposed that:

1. Section 19.565 Blue cheese; identity be amended by inserting in paragraph (b), immediately preceding the last sentence, a new sentence as follows: "The rind of the cheese may be coated with any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more such articles."

2. Section 19.567 Gorgonzola cheese: identity be amended by inserting in paragraph (b), immediately preceding the last sentence, a new sentence as follows: "The rind of the cheese may be coated with any vegetable food fat or oil. or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more such articles."

Dated: May 1, 1959.

[SEAL] JOHN L. HARVEY. Deputy Commissioner of Food and Drugs.

[F.R. Doc. 59-3893; Filed, May 7, 1959; 8:46 a.m.]

No. 90-3

NOTICES

ATOMIC ENERGY COMMISSION-

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC.

Notice of Amendment to Facility
License

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R-46, extending the expiration date of the license for a period of two months to June 30, 1959. The Industrial Reactor Laboratories, Incorporated research reactor facility licensed for limited operations at power levels up to 100 kilowatts (thermal), is located at Plainsboro, New Jersey. The extension of time is made by the Commission to permit sufficient time to evaluate data recently submitted by the applicant in connection with its application for a license to operate the facility at five megawatts.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon recipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment.

Dated at Germantown, Md., this 30th day of April 1959.

For the Atomic Energy Commission.

R. L. Kirk,

Deputy Director, Division of

Licensing and Regulation.

[License R-46; Amdt. 3]

The final sentence of License No. R-46 is hereby amended to read as follows:

This license is effective as of the date of issuance and shall expire at midnight, June 30, 1959.

Date of issuance: April 30, 1959.

For the Atomic Energy Commission.

R. L. Kirk,
Deputy Director, Division of
Licensing and Regulation.

[F.R. Doc. 59-3884; Filed, May 7, 1959; 8:45 a.m.]

[Docket No. 50-38]

MARTIN CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. CX-7. The amendment authorizes The Martin Company to (1) increase the core loading in its ERDL critical experiment facility from 22.5 kilograms of uranium-235 to 45 kilograms of uranium-235, (2)

make certain changes in the equipment in the ERDL facility and (3) conduct additional tests therein as described in its applications for license amendment dated January 29, 1959, and March 11, 1959. The amendment also extends the expiration date of License No. CX-7 from May 13, 1959, to May 13, 1960. The Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necesary in the public interest since the conduct of the proposed additional experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. For further details, see (1) the application for license amendment submitted by The Martin Company, and (2) a hazards analysis of the proposed tests prepared by The Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 30th day of April 1959.

For the Atomic Energy Commission.

RICHARD L. KIRK,

Deputy Director, Division of

Licensing and Regulation.

[License CX-7; Amdt. 2]

License No. CX-7, as amended, issued to The Martin Company on June 12, 1958, which authorizes conduct of The Martin Power Reactor Experiments and The Martin ERDL Critical Experiments in the company's facilities located near Middle River in Baltimore County, Maryland, is hereby amended in the following respects:

1. Subparagraph 2a is hereby amended to read as follows:

a. Pursuant to section 104(c) of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as utilization facilities the nuclear reactors designated below and to conduct therein The Martin Power Reactor Experiments described in MND-1112, dated August 15, 1957, and The Martin ERDL Critical Experiments described in MND-E-1157 dated December 1957, and supplements thereto dated March 25, 1958,

April 2, 1958, April 15, 1958, January 29, 1959, and March 11, 1959, in accordance with the procedures described in the application.

- 2. Paragraph 5 is hereby amended to read as follows:
- 5. This license is effective as of the date of issuance and shall expire at midnight May 13, 1960, unless sooner terminated.

This amendment is effective as of the date of issuance.

Date of issuance: April 30, 1959.

For the Atomic Energy Commission.

RICHARD L. KRK,

Deputy Director, Division of

Licensing and Regulation.

[F.R. Doc. 59-3885; Filed, May 7, 1959; 8:45 a.m.]

[Docket No. 50-132]

AMF ATOMICS

Notice of Filing of Application for Facility Export License

Please take notice that AFM Atomics (a division of American Machine & Foundry Company), 140 Greenwich Avenue, Greenwich, Connecticut, has submitted an application dated April 13, 1959, for a license authorizing the export of a 5 megawatt pool-type research reactor to the University of Teheran, Iran.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon findings that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the government of Iran, the Commission may issue a facility export license authorizing the export of the reactor to that country.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of May 1959.

For the Atomic Energy Commission.

R. L. Kirk,

Deputy Director, Division of

Licensing and Regulation.

[F.R. Doc. 59-3886; Filed, May 7, 1959; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1959, Supp. 209]

TEXAS INDEMNITY INSURANCE CO. Termination of Authority to Qualify as Surety on Federal Bonds

May 4, 1959.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Texas Indemnity Insurance Company, Galveston, Texas, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States has been terminated effective December 31, 1958.

The company, effective December 31, 1958, relinquished its license to transact casualty insurance, changed its name to American Indemnity Life Insurance Company and is now engaged in writing life insurance.

American Indemnity Life Insurance Company (formerly Texas Indemnity Insurance Company) has informed the Treasury that it has no bonds in force in favor of the United States. However, in order to provide for the possibility that a bond or bonds issued in favor of the United States may remain in force which do not appear on the records of the company, bond-approving officers are requested, upon the receipt of this notice, to examine carefully the records of their offices and report promptly to the Surety Bonds Branch, Bureau of Accounts, Treasury Department, any outstanding bonds accepted by them and executed by Texas Indemnity Insurance Company as surety or co-surety on which the liability of the company has not terminated.

It is also requested that the Surety Bonds Branch be advised as expeditiously as possible as to all facts, in detail, relating to any existing claim, or with respect to the occurrence of any event or the existence of any circumstance which may hereafter result in a claim against American Indemnity Life Insurance Company (formerly Texas Indemnity Insurance Company).

In furnishing the above information bond-approving officers will please give the name of the principal on the bond, the date and penalty of the bond, and with respect to claims, the nature of the claim, the circumstances out of which it arose, and its status at the time of the report.

Bond-approving officers and other agents of the Government charged with the duty of taking bonds, recognizances, stipulations or undertakings should proceed immediately to secure new bonds, where necessary, with acceptable sureties, in lieu of bonds executed by Texas Indemnity Insurance Company.

[SEAL] LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F.R. Doc. 59-3903; Filed, May 7, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7276 et al.]

MINOT OR WILLISTON, NORTH DA-KOTA-REGINA, SASKATCHEWAN, CANADA

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference covering a route between Minot or Williston and Regina, Canada, is assigned to be held on May 28, 1959, at 10:00 a.m., e.d.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington D.C., before examiner Herbert K. Bryan.

The proceeding will cover the route contemplated in the Agreement between the United States and Canada, dated April 9, 1959. Consideration will be given at the conference to the consolidation for hearing and decision of some or all of the following applications:

Docket No., Applicant, and Description

7276; Frontier Airlines, Inc.; Willston-Regina.

7697; City of Williston; Williston-Regina. 7850; City of Minot; Minot-Regina.

9266; North Central Airlines, Inc.; That portion proposing service between Minot and Regina.

In order to facilitate conduct of the conference it is requested that any party desiring to prosecute an application in this proceeding file on or before May 20, 1959, a motion for consolidation and/or any new applications for which consolidation may be sought.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party from whom the evidence is sought on or before May 20, 1959.

Counsel will be expected to state the views of their client with respect to the issues discussed during the course of this conference.

Dated at Washington, D.C., May 5, 1959.

[SEAL] Francis W. Brown, Chief Examiner.

[F.R. Doc. 59-3906; Filed, May 7, 1959; 8:48 a.m.]

[Docket No. 10469; Order No. E-13829]

NORTHERN CONSOLIDATED AIRLINES, INC., AND ALASKA AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1959.

In the matter of proposed fares of Northern Consolidated Airlines, Inc., and a certain fare of Alaska Airlines, Inc.; Docket No. 10469.

Northern Consolidated Airlines, Inc. (NCA), by tariff revision filed April 7, 1959, to become effective May 7, 1959, proposes to reduce passenger fares between several points within Alaska.

These proposals include (1) reduction of the Anchorage-Fairbanks via McGrath fare from \$60.00 to \$30.00; (2) reduction of the McGrath-Anchorage and McGrath-Fairbanks fares from \$35.00 to \$30.00; (3) reduction of the Fairbanks-Farewell and Anchorage-Lake Minchumina fares from \$45.00 to \$30.00; (4) reduction of the Tanana-Anchorage fare from \$65.00 to \$50.00; (5) reductions of \$5.00 in various other local fares to reflect the aforementioned proposals; and (6) establishment of a new fare of \$45.00 from Kalakaket to Fairbanks.

Alaska Airlines, Inc. (Alaska), has filed a complaint requesting suspension and investigation of the proposed fares (Docket No. 10426). NCA has filed an answer thereto.

The proposed \$30.00 Anchorage-Fairbanks via McGrath fare is the same as Alaska's fare for direct service between Anchorage and Fairbanks. As a result of the substantial circuity of NCA's operation between those two points, the \$30.00 fare would yield NCA only slightly more than six cents per passenger mile, which is well below prevailing Alaskan fare levels. In comparison, the proposed Fairbanks-McGrath and McGrath-Anchorage fares are also \$30.00, although the distances between those two pairs of points are much shorter than between Anchorage and Fairbanks via McGrath. Similarly, the \$30.00 fares proposed between Anchorage and Lake Minchumina and between Fairbanks and Farewell give no weight to the greater distances as compared with service from Anchorage and Fairbanks to McGrath, or the lesser distance compared with service between Anchorage and Fairbanks via McGrath. Finally, the proposed Tanana-Anchorage fare of \$50.00 is equated to the proposed Galena-Anchorage fare, notwithstanding the substantially greater distance. After consideration of these proposed fares, and the complaint with respect thereto, the Board finds that such fares2 may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful. For the foregoing grounds and reasons, the Board has determined to investigate these proposals and to suspend their effectiveness pending such investigation. The Board notes, in addition, that Alaska presently offers 3 a \$35.00 fare between Fairbanks and McGrath via Anchorage. On the basis of the same considerations on which we have based our determination to investigate NCA's proposed Fairbanks-Anchorage via McGrath fare, we find that the above-noted Alaska fare

¹Northern Consolidated Airlines, Inc., C.A.B. No. 9.

² The fares between Anchorage on the one hand and Fairbanks, Lake Minchumina, and Tanana on the other, and the fare between Fairbanks and Farewell.

³We note that a document filed by Alaska on April 30, 1959 reports that Alaska has filed a new tariff proposed to increase the Fairbanks-McGrath fare from \$35.00 to \$65.00. Therefore, investigation is also hereby ordered of any subsequent revision of Alaska's applicable fare between Fairbanks and

may be unlawful and that such fare should be investigated.

With respect to the remainder of NCA's tariff proposals, however, the complaint has not set forth, nor does the Board find, a sufficient basis for concluding that the proposed fares may be unlawful. Accordingly, we will dismiss Alaska's complaint insofar as it is directed to these tariff proposals and permit them to become effective.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That: 1. An investigation be and hereby is instituted to determine whether the fares and provisions between Anchorage, on the one hand, and Fairbanks and Lake Minchumina, on the other, and between Fair-banks and Farewell, appearing on 10th Revised Page 4 and the fare and provisions between Anchorage and Tanana appearing on 8th Revised Page 10A of Northern Consolidated Airlines, Inc., C.A.B. No. 9, and the fare and provisions between Fairbanks and McGrath appearing on 2nd Revised Page 9 of Alaska Airlines, Inc., C.A.B. No. 41,3 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions.

- 2. Pending investigation, hearing and decision by the Board, the fares and provisions between Anchorage, on the one hand, and Fairbanks and Lake Minchumina, on the other, and between Fairbanks and Farewell, appearing on 10th Revised Page 4, and the fare and provisions between Anchorage and Tanana appearing on 8th Revised Page 10A of Northern Consolidated Airlines, Inc., C.A.B. No. 9, be and hereby are suspended and their use deferred to and including August 4, 1959, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension, except by order or special permission of the Board.
- 3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.
- 4. The proceeding assigned Docket No. 10426 be consolidated with the proceeding ordered herein in Docket No. 10469, and to the extent the Alaska Airlines, Inc. Complaint and Request for Suspension in Docket No. 10426 is not herein granted, be hereby dismissed.
- 5. A copy of this order be filed with the aforesaid tariffs and a copy be served upon Northern Consolidated Airlines, Inc. and Alaska Airlines, Inc., which are hereby made parties to this proceeding. This order shall also be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCart, Acting Secretary.

[F.R. Doc. 59-3907; Filed, May 7, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9401 etc.; FCC 59M-572]

CANNON SYSTEM, LTD. (KIEV) ET AL. Order Continuing Hearing

In re applications of Cannon System, Ltd. (KIEV) Glendale, California, Docket No. 9401, File No. BP-7260; South Coast Broadcasting Co., Laguna Beach, California, Docket No. 12640, File No. BP-9912; Robert D. Lamb and Charles R. Dooley d/b as Southland Communications Co., Anaheim, California, Docket No. 12641, File No. BP-10725; Gordon A. Rogers, Colton, California, Docket No. 12643, File No. BP-11209; Donald C. McBain, Howard G. Hoegsted, George W. Irwin and Arthur B. Balinger d/b as Upland Broadcasting Company, Upland, California, Docket No. 12645, File No. BP-11942; Robert Burdette & Associates, Inc., West Covina, California, Docket No. 12689, File No. BP-12471; for construction permits.

It is ordered, This 4th day of May 1959, that pursuant to agreement reached at the pre-hearing conference held in the above-entitled proceeding on May 4, 1959, the following timetable of dates will govern the future course of this proceeding:

Oral Argument on motion for leave to amend (filed by Southland on May 1,

1959)—May 14, 1959;

Exchange of non-engineering testimony—June 29, 1959;

Hearing continued from May 18, 1959 to July 13, 1959.

Released: May 4, 1959.

Federal Communications Commission,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-3908; Filed, May 7, 1959; 8:48 a.m.]

[Docket No. 12414 etc.; FCC 59M-577]

ALKIMA BROADCASTING CO. ET AL. Order Scheduling Further Prehearing Conference

In re applications of Austin E. Harkins, et al d/b as Alkima Broadcasting Compahy, West Chester, Pennsylvania, Docket No. 12414, File No. BP-10640; Herman Handloff, Newark, Delaware, Docket No. 12711, File No. BP-12190; Howard Wasserman, West Chester, Pennsylvania, Docket No. 12712, File No. BP-12208; for construction permits.

It is ordered, This 5th day of May 1959, that a further prehearing conference in the above-entitled matter will be held at 2:00 p.m., May 6, 1959, in the Commission's offices, Washington, D.C.

Released: May 5, 1959.

Federal Communications Commission,

[SEAL]

Mary Jane Morris, Secretary.

[F.R. Doc. 59-3909; Filed, May 7, 1959; 8:48 a.m.]

[Docket No. 12688; FCC 59M-573]

SOUTHERN GENERAL BROADCAST-ING CO., INC. (WTRO)

Order Continuing Hearing

In re application of Southern General Broadcasting Company, Inc. (WTRO), Dyersburg, Tennessee, Docket No. 12688, File No. BP-11422; for construction permit.

The Hearing Examiner having under consideration a petition filed on May 1, 1959 by Southern General Broadcasting Company, Inc., requesting that the hearing in the above-entitled proceeding presently scheduled for May 6, 1959 be continued to June 4, 1959;

It appearing that counsel for the other parties to this proceeding have informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant petition, and good cause has been shown for the proposed continuance:

It is ordered, This 4th day of May 1959, that the petition be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to June 4, 1959, at 10 a.m., in Washington, D.C.

Released: May 4, 1959.

FEDERAL COMMUNICATIONS
COMMISSION.

[SEAL] MARY JANE MORRIS,

Secretary.

[F.R. Doc. 59-3910; Filed, May 7, 1959; 8:48 a.m.]

[Docket No. 12783; FCC 59M-575]

SUSSEX COUNTY BROADCASTERS (WNNJ)

Order Following Prehearing Conference

In re application of Robert A. Mensel, William Fairclough, Simpson C. Wolfe, Jr., and Naomi E. Wolfe, d/b as Sussex County Broadcasters (WNNJ), Newton, New Jersey, Docket No. 12783, File No. BP-11716; for construction permit.

A prehearing conference in the aboveentitled matter having been held on April 30, 1959, and it appearing that certain agreements were reached therein which properly should be formalized in an order;

It is ordered, This 4th day of May 1959, that:

- (1) The affirmative case of the applicant and the rebuttal cases of the other parties herein shall be presented by written, sworn exhibits:
- (2) In the event any proposed written material is excluded at the hearing, then the party offering such matter shall be afforded the opportunity of restoration thereof by competent oral testimony;

(3) The applicant shall make a preliminary exchange of its exhibits with the other parties herein on May 11, 1959;

(4) Respondents and the Broadcast Bureau shall advise applicant on May 25, 1959, as to their objections to the applicant's proposed exhibits; (5) The applicant shall make an exchange of its exhibits in final form with the other parties (with copies to be supplied to the Hearing Examiner) on June 1, 1959;

(6) The respondents and the Broadcast Bureau shall notify the applicant's counsel and engineering expert on June 4, 1959, as to those witnesses for applicant who are to be made available for cross-examination at the hearing on June 9, 1959; and

It is further ordered, That the hearing in this matter heretofore scheduled to commence on May 27, 1959, is continued to Tuesday, June 9, 1959, at 10:00 o'clock a.m., in the offices of the Commission in Washington, D.C.

Released: May 5, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-3911; Filed, May 7, 1959; 8:49 a.m.]

[Docket No. 12808; FCC 59M-570]

EASTON BROADCASTING CO.

Order Scheduling Hearing

In re application of Richard S. Cobb and Mary Cobb, d/b as Easton Broadcasting Co., Easton, Maryland, Docket No. 12808, File No. BP-12011; for construction permit for a new standard broadcast station.

Pursuant to prehearing conference held in this proceeding on May 1, 1959: It is ordered, This 4th day of May 1959, that hearing herein be, and the same is hereby, scheduled for June 5, 1959, at 10:00 o'clock a.m. in the Commission's offices, Washington, D.C.

Released: May 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-3912; Filed, May 7, 1959; 8:49 a.m.]

[Docket Nos. 12831, 12832; FCC 59M-576]

NORTH SHORE BROADCASTING CO. INC., AND SUBURBANAIRE, INC.

Order Scheduling Prehearing Conference

In re applications of North Shore Broadcasting Co., Inc., Wauwatosa, Wisconsin, Docket No. 12831, File No. BP-11768; Suburbanaire, Inc., West Allis, Wisconsin, Docket No. 12832, File No. BP-12511; for construction permits.

A prehearing conference in the aboveentitled proceeding will be held on Thursday, May 14, 1959, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, this the 4th day of May 1959.

Released: May 5, 1959.

Federal Communications Commission,

[SEAL]

Mary Jane Morris, Secretary.

[F.R. Doc. 59-3913; Filed, May 7, 1959; 8:49 a.m.]

[Docket Nos. 12833, 12834; FCC 59M-569]

GEORGE T. HERNREICH AND PATTESON BROTHERS

Order Scheduling Prehearing Conference

In re applications of George T. Hernreich, Jonesboro, Arkansas, Docket No. 12833, File No. BPCT-2538; Alan G. Patteson, Jr. and Mathew Carter Patteson, d/b as Patteson Brothers, Jonesboro, Arkansas, Docket No. 12834, File No. BPCT-2567; for construction permits for new television broadcast stations (Channel 8).

It is ordered, This 1st day of May 1959, that, pursuant to the provisions of § 1.111 of the rules of the Commission, and in accordance with the agreement of counsel, all parties to the above-entitled proceeding or their legal counsel are directed to appear for a prehearing conference at the offices of the Commission in Washington, D.C., at 2:00 p.m., May 8, 1959.

Released: May 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

Mary Jane Morris, Secretary.

[F.R. Doc. 59-3914; Filed, May 7, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18170]

HUMBLE OIL & REFINING CO.

Order Amending Order for Hearing and Suspending Proposed Change in Rates

May 1, 1959.

On April 1, 1959, the Commission issued an order in this proceeding suspending Supplement Nos. 11 and 12 to Humble's FPC Gas Rate Schedule No. 19.

Said rate schedule consists of a contract dated April 27, 1957, relating to the sale of gas from certain leaseholds in Carthage Field, Panola County, Texas, to Texas Eastern Transmission Corporation (Texas Eastern). Filed as Supplement No. 8 thereto is an exchange agreement whereunder Humble delivered gas from Carthage Field to Texas Eastern, and instead of paying the contract price therefor, Texas Eastern delivers equivalent volumes of gas to Humble at a point near Beaumont, Texas. Until June 1, 1957, the date on which Supplement No. 8 became effective, Humble sold the gas to

Texas Eastern under the rate schedule at the then effective rate level of 12.49 cents per Mcf.

On March 2, 1959, Humble filed an executed letter agreement dated February 26, 1959, which provides for a discontinuance of the aforementioned exchange arrangement and a reversion to the terms of the April 27, 1953 contract. This agreement was designated as Supplement No. 11 to Humble's FPC Gas Rate Schedule No. 19. Concurrently with that letter agreement, Humble submitted a rate change proposing to increase the level of rate to 14.6 cents per Mcf. This tender was designated as Supplement No. 12 to Humble's FPC Gas Rate Schedule No. 19. As hereinbefore stated, Supplement Nos. 11 and 12 were suspended by order issued April 1, 1959. On April 7, 1959, Humble filed a mo-

On April 7, 1959, Humble filed a motion for reconsideration of the Commission order issued April 1, 1959, insofar as that order relates to the executed letter agreement, Supplement No. 11 to its FPC Gas Rate Schedule No. 19. In support of its motion, Humble states that the lifting of the suspension will result in Texas Eastern having larger volumes of gas available for interstate transmission without a current increase in the cost of

gas.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that the order issued herein on April 1, 1959, be amended as hereinafter ordered.

The Commission orders:

- (A) Paragraphs (A), (B), and (C) of said order issued April 1, 1959 are amended to read as follows:
- (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 12 to Humble's FPC Gas Rate Schedule No. 19.
- (B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 2, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.
- (C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.
- (B) Supplement No. 11 to Humble's FPC Gas Rate Schedule No. 19 is hereby accepted for filing to be effective as of April 2, 1959, the first day after expiration of the required thirty-days' notice.
 (C) In all other respects, said order
- ¹ Humble in its motion incorrectly designates the executed letter agreement as Supplement No. 12. Correct designation is Supplement No. 11 as set out in aforesaid order issued April 1, 1959.

issued April 1, 1959 in this proceeding, shall remain in full force and effect.

By the Commission.

[SEAL]

Joseph H. Gutride, Secretary.

[F.R. Doc. 59-3888; Filed, May 7, 1959; 8:45 a.m.]

[Docket No. G-18408]

T. L. JAMES AND CO., INC., ET AL. Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective

MAY 1, 1959.

T. L. James and Company, Inc., et al. (James), on April 2, 1959, tendered for filing a proposed change in its presently effective rate schedule¹ for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated March 31, 1959.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 5 to James' FPC Gas Rate Schedule No. 4. Effective date: May 3, 1959 (stated effective date is the first day after expiration of the required 30 days' notice).

James proposes a contractually provided periodic increase of 4.5 mills from 13.136 cents per Mcf to 13.586 cents per Mcf for gas produced in North Choudrant Field, Lincoln Parish, Louisiana.

In addition, the rate and charge here proposed reflects James' interpretation of the provisions of the basic contracts to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same level that James received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. It is deemed advisable to suspend the said proposed rate and charge. This suspension, however, is based on the questionable interpretation of the tax provisions of the basic contracts and only such tax reimbursement portion of the proposed rate shall be subject to refund.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to James' FPC Gas Rate Schedule No. 4 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that James be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Supplement No. 5 to James' FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, the supplement is hereby suspended and the use thereof deferred until May 4, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the supplement shall be effective on May 4; 1959: Provided, however, That within 20 days from the date of this order, James shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

- (D) James shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rate found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to James until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if James so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.
- (E) As provided in paragraph (C), within 20 days from the date of issuance of this order, James shall execute and file in triplicate with the Secretary of this Commission the written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of T. L. James' and Company, Inc., et al., To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Change

. In conformity with the requirements of the order issued _____, 1959, in Docket

No. G-____ T. L. James and Company, Inc., et al., hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and for that purpose has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ___ day of ______.

T. L. JAMES AND COMPANY, INC., ET AL.

Ву __

Witness:

As a further condition of this order James shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless James is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If James shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise it shall remain

in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-3889; Filed, May 7, 1959; 8:45 a.m.]

[Docket Nos. G-18361, G-18362]

T. L. JAMES & CO., INC., ET AL.

Order for Hearings, Suspending Proposed Changes in Rates and Allowing Changed Rates To Become Effective ¹

May 1, 1959.

In the matters of T. L. James & Company, Inc., et al., Docket No. G-18361; T. L. James & Company, Inc., Docket No. G-18362.

On April 2, 1959, the above-named Respondents tendered for filing Notices of Change, dated March 31, 1959, in their presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In both cases the effective date is May 3, 1959. The proposed changes are contained in the following designated filings:

¹Present rate previously suspended and is in effect subject to refund in Docket No. G-15874 (Louisiana gas gathering tax).

¹ This order does not provide for the consolidation for hearing of the above dockets, nor should it be so construed.

² Stated effective date is the first day after the required thirty days' notice.

Respondent	Rate sched- ule No.	Sup- ple- ment No.	Purchas er
T. L. James & Company,	5	4	Arkansas Loui- siana Gas Co.
Inc., et al. T. L. James & Company, Inc.	7	4	Do.

In support of the proposed rates and charges, Respondents have interpreted the tax provisions of the aforementioned rate schedules to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same level that Respondents received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The rates and charges so proposed have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of each of the said proposed changes, and that the supplements herein designated be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondents' proposed rates be made effective as hereinafter provided and that each Respondent be required to file an undertaking as hereinafter ordered and

conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural, Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rates and charges contained in each of the supplements to Respondents' FPC Gas Rate Schedules as herein designated.

(B) Pending such hearings and decisions thereon, each of said supplements be and each is hereby suspended and the use thereof deferred until May 4, 1959, and until such further time as each is made effective in the manner hereinafter

prescribed.

(C) The rate, charge, and classification set forth in each of the aforementioned supplements to Respondents' FPC Gas Rate Schedules shall be effective as of May 4, 1959: Provided, however, That within 20 days from the date of this order, each Respondent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Each Respondent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of

the rates found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to James until refunded: shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if Respondent so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to the date upon which the rates allowed by this order become effective, and under the rates allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, each Respondent shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ______
To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G-___, bereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this day of _____

Ву _____

(Secretary)

Unless a Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, his agreement and undertaking shall be deemed to have been accepted.

(F) Each Respondent who, in conformity with the terms and conditions of paragraph (D) of this order, makes such refunds as may be required by order of the Commission, shall be discharged of his undertaking; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-3890; Filed, May 7, 1959; 8:45 a.m.]

[Docket No. G-11871]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

MAY 4, 1959.

Take notice that Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation with principal place of business at Houston, Tex., filed in Docket No. G-11871 on January 31, 1957, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Applicant to construct and operate a 4-inch tap on its 4-inch Orcones Field Lateral in Duval County, Texas, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The proposed tap is to be operated as a delivery point for natural gas from Sun Oil Company into the Applicant's system for transportation in accordance with a transportation agreement. (Transcontinental's Rate Schedule X-11 on file with the Commission).

The estimated cost of the proposed facility is \$950.00, which cost will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 27, 1959, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-3891; Filed, May 7, 1959; 8:45 a.m.]

[Docket No. E-6883]

GULF STATES UTILITIES CO. Notice of Application

MAY 4, 1959.

Take notice that on April 28, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana with its principal business office at Beaumont, Tex., seeking an order authorizing the issuance of 5,011,832 shares of Common Stock without par value. Applicant's Board of Directors on March 23. 1959 approved a proposed plan to amend the Articles of Incorporation so as to change each of Applicant's presently authorized 10,000,000 shares of Common Stock, without par value, issued and unissued, into two shares of Common Stock, without par value, thereby increasing to 20,000,000 the total authorized shares of Common Stock and increasing the total issued and outstanding Common Stock from the 5,011,832 shares expected to be outstanding at the time the aforesaid Amendment becomes effective to 10,023,-664 shares issued and outstanding immediately after said Amendment becomes effective. Applicant proposes to issue certificates for the additional shares of Common Stock as a result of the 2-for-1 split to holders of record at the close of business June 9, 1959. The certificates are to be dated June 18, 1959 and will be mailed or delivered to such holders as promptly as possible after June 22, 1959. Applicant will receive no proceeds from the issuance of the additional Common Stock. Applicant states that the purpose for issuing the 5,011,832 shares of Common Stock is to broaden the market and increase the salability of its Common Stock by establishing a market price per share at a lower level.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 22d day of May 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL]

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-3892; Filed, May 7, 1959; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3793]

WEST PENN POWER CO.

Notice of Proposed Issuance and Sale At Competitive Bidding of Principal Amount of Bonds

APRIL 30, 1959.

Notice is hereby given that West Penn Power Company ("Power"), an exempt holding company and a public-utility subsidiary of The West Penn Electric Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction which is summarized as follows:

Power proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, \$14,000,000 principal amount of First Mortgage Bonds, Series R, ___ percent, due June 1, 1989 ("New Bonds"). The New Bonds are proposed to be issued under the Mortgage and Deed of Trust dated March 1, 1916, between the company and The Chase Manhattan Bank, Trustee, as heretofore supplemented and as to be supplemented by a supplemental indenture to be dated as of June 1, 1959. The interest rate on the New Bonds (which shall be a multiple of 1/8 percent of 1 percent) and the price, exclusive of accrued interest, to be paid to Power (which shall not be less than 100 percent onor more than 1023/4 percent of the principal amount thereof) will be determined by the competitive bidding. It is expected that the public invitation for bids will be issued on or about May 19, 1959.

The net proceeds from the sale of the New Bonds will be applied to the payment of \$8,500,000 of short-term bank loans incurred for construction expenditures of Power, and the balance, together with about \$5,000,000 from the sale of additional common stock in 1960, cash on hand, and cash to be generated from operations, will be used for further construction in 1959 and 1960, the cost of which is estimated at \$32,400,000. On the basis of present estimates, no financing, other than the sale of common stock referred to above, will be necessary during 1959 or 1960.

The fees and expenses to be incurred by Power in connection with the proposed transaction are estimated by the company at \$50,000, including counsel fees of \$10,500 and accountants fees of \$2,000. The fee of Simpson Thacher & Bartlett, counsel for the successful bidders, is to be paid by such bidders and is estimated at \$6,500.

The application states that registration by the Pennsylvania Public Utility Commission of a securities certificate with respect to the New Bonds is required for their issuance and sale and that such a securities certificate has been filed with that commission. The order of the State commission will be filed by amendment.

Notice is further given that any interested person may, not later than May 15, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may be hereafter amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act. or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

Nellye A. Thorsen, Assistant Secretary.

[F.R. Doc. 59-3897; Filed, May 7, 1959; 8:47 a.m.]

SMALL BUSINESS ADMINISTRA-TION

[Delegation of Authority 30-V-5, Amdt. 4] BRANCH MANAGER, BIRMINGHAM, ALABAMA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority No. 30-V-5, as amended (22 F.R. 8009, 23 F.R. 867, 4400, 7565) is further amended as follows:

- a. Renumber paragraphs IB4 through 6 as IB10 through 12.
- b. Add the following new paragraphIB4 as follows:
- 4. To enter into Disaster Participation Agreements with banks.
- c. Add the following new paragraph IB5 as follows:
- 5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

Wendell B. Barnes,
Administrator.

Branch Manager.

- d. Add the following new paragraph IB6 as follows:
- 6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Loan Processing, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated

authority in any manner consistent with the original authority to approve loans.

- e. Add the following new paragraph IB7 as follows:
- 7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.
- f. Add the following new paragraph IB8 as follows:
- 8. To reinstate any loan authorization cancelled prior to the first disbursement within six months from the date of the original authorization providing that no adverse change has occurred since the loan application was approved.
- g. Add the following new paragraph IB9 as follows:
- 9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and to certify to the participating bank that such documents are in compliance with the participation authorization.
- h. To amend section II by changing the period at the end to a comma and adding the following: "with the exception of I.C., such redelegation being limited to routine correspondence only."

Dated: April 13, 1959.

JAMES F. HOLLINGSWORTH, Regional Director, Atlanta Regional Office.

[F.R. Doc. 59-3898; Filed, May 7, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 5, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35404: Lumber-Arizona and New Mexico groups to western and southwestern points. Filed by Atchison, Topeka and Santa Fe Railway Company, Agent (No. 85-A), for interested rail carriers. Rates on lumber and related articles, carloads from defined points in Flagstaff and McNary, Ariz., and the Gallup, Grants and Laguna, N. Mex., groups to specified points in Arkansas, Kansas, Illinois, Louisiana, Missouri, New Mexico, Oklahoma, and

Grounds for relief: Market competition with Albuquerque, N. Mex., at the described destinations.

Tariffs: Supplement 66 to Santa Fe tariff I.C.C. No. 14371. Supplement 111 to Santa Fe tariff I.C.C. No. 14165.

FSA No. 35405: Substituted service-C. & N.W. Ry., for Darling Freight, Inc. Filed by Middlewest Motor Freight Bureau, Agent (No. 154), for interested rail

and motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and St. Paul, Minn., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 98 to Middlewest Motor Freight Bureau tariff MF-I.C.C.

FSA No. 35406: Substituted service-C. & N.W. Ry., for Service Transfer Storage, Inc., et al. Filed by Middlewest Motor Freight Bureau, Agent (No. 155), for interested rail and motor carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Butler, Wis., on the one hand, and St. Paul, Minn., on the other. on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 98 to Middlewest Motor Freight Bureau tariff MF-I.C.C.

FSA No. 35407: Substituted service-C.G.W. Ry.—for Consolidated Forward-ing Co., Inc. Filed by Middlewest Motor Freight Bureau, Agent (No. 156), for interested rail and motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Kansas City, Mo., on traffic from or to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 98 to Middlewest Motor Freight Bureau tariff MF-I.C.C.

FSA No. 35408: Substituted service-M-K-T Lines for Consolidated Forwarding Co., Inc. Filed by Middlewest Motor Freight Bureau, Agent (No. 159), for interested rail and motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City, Kans., and St. Louis, Mo., on one hand, and Ft. Worth, Tex., and Muskogee, Okla., on the other, on traffic from or to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 98 to Middlewest Motor Freight Bureau tariff MF-I.C.C.

FSA No. 35409: Substituted service-M-K-T Lines for Consolidated Forwarding Co., Inc. Filed by Middlewest Motor Freight Bureau, Agent (No. 158), for Missouri-Kansas-Texas Railroad Company, and interested motor carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Kansas City, Kans., on the one hand, and Dallas, Tex., Oklahoma City or Tulsa, Okla., on the other; also between St. Louis, Mo., on the one hand, and Dallas, Tex., Muskogee or Oklahoma City, Okla., on the other.

Grounds for relief: Motor truck competition. Change in railroad compensa-

FSA No. 35410: Substituted service-

by Middlewest Motor Freight Bureau, Agent (No. 157), for interested rail and motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City or St. Louis, Mo., on the one hand, and Dallas, Ft. Worth, Houston, or San Antonio, Tex., Muskogee, Oklahoma City or Tulsa, Okla., or Parsons, Kans., on the other, on traffic from or to points in territories described in the application.

Grounds for relief: Motor truck competition. Change in railroad compensation.

By the Commission.

[SEAL] HAROLD D. McCoy.

Secretary.

[F.R. Doc. 59-3895; Filed, May 7, 1959; 8:46 a.m.]

[Notice 120]

MOTOR CARRIER TRANSFER **PROCEEDINGS**

MAY 5, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61946. By order of April 30, 1959, the Transfer Board approved the transfer to Claude S. Cyphers Transportation, Inc., Stroudsburg, Pa., of Certificate Nos. MC 112461 and MC 112461 Sub 3, issued March 16, 1954 and August 12, 1957, respectively, to Claude S. Cyphers, Stroudsburg, Pa., authorizing the transportation of: Coal, from points in Lackawanna and Schuylkill Counties, Pa., to points in Passaic County, N.J., and points in Bronx, Kings, and Nassau Counties, N.Y., from Hazelton, Pa., and points within eight miles thereof, and those in Schuylkill County, Pa., to points in Middlesex, Essex, and Warren Counties, N.J., and Palisades Park, N.J., from Hacklebernie, Pa., to Phillipsburg and the Borough of Alpha, N.J., from points in Luzerne County, Pa., to Towaco, N.J., and between points in Luzerne County, Pa., on the one hand, and, on the other. Newark, N.J.; and lumber, from Newark, N.J., to Old Forge, Pa. Edwin Krawitz. 601 Main Street, Stroudsburg, Pa., for applicants.

No. MC-FC 61995. By order of April 30, 1959, The Transfer Board approved the transfer to Ralph F. Dunkley, doing business as Dunkley Distributing Company, Salt Lake City, Utah, of the "grandfather" operating rights claimed to have been performed by Woodrow M-K-T Lines for motor carriers. Filed Dickey, doing business as Woody Dickey,

No. 90---4

NOTICES

William Street, New York 5, New York.

Salt Lake City, Utah, under Section 7 of the Transportation Act of 1958 (72 Stat. 574), for which a certificate is sought in docket No. MC 117823 authorizing the transportation of: Frozen berries, frozen fruits, and frozen vegetables, between points in Washington and Utah as specified. Lynn S. Richards, 716 Newhouse Building, Salt Lake City, Utah for

applicants. No. MC-FC 62027. By order of April 30, 1959, the Transfer Board approved the transfer to Associated Return Load Service, Inc., 7303 Queens Blvd., Woodside 77, N.Y., of Certificate No. MC 48175, issued September 11, 1944, to Stuart Welsh, doing business as Associated Return Load Service, 7303 Queens Blvd.. Woodside 77, N.Y., authorizing the transportation of: Household goods, as defined, between points in Massachusetts, Rhode Island, and Connecticut, New York, N.Y., points in Nassau and Westchester Counties, N.Y., points in Suffolk County, N.Y., as specified, and those in Bergen, Passaic, Hudson, Essex, Morris, Union, Somerset, Middlesex and Mon-mouth Counties, N.J., and between the above-specified points on the one hand, and, on the other, the remaining points in New York and New Jersey and those in Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Michigan (lower peninsula), New Hampshire, North Carolina, Ohio Pennsylvania, South Carolina, Vermont, Virginia, and the District of Columbia; and bakery goods, advertising matter, and display racks, in truckload lots, from New York, N.Y., to Jersey City, Newark, Paterson, Perth Amboy, N.J., and Mount Vernon,

No. MC-FC 62059. By order of April 30, 1959, the Transfer Board approved the transfer to Stetson Express, Inc., Springfield, Mass., of a portion of certificate in No. MC 52566, issued August 26, 1958, to Doyle Trans, Inc., and amended January 23, 1959, changing the name to Welsh Express, Inc., Springfield, Mass., authorizing the transportation of: General commodities, excepting household goods, commodities in bulk and the other usual exceptions, between Athol, Mass., and Springfield, Mass. Patrick A. Doyle, 31 Elm Street, Springfield, Mass., for

applicants.

No. MC-FC 62112. By order of April 30, 1959, The Transfer Board approved the transfer to Gennaro Gargiulo and Angelina Gargiulo, a partnership, doing business as New York-Newark Express, New York, New York, of a certificate in No. MC 66531, issued July 7, 1953, and subsequently acquired by Gennaro Gargiulo and Salvatore Garguilo, Angelina Gargiulo, Administrátrix, a partnership, doing business as New York-Newark Express, New York, New York, authorizing the transportation, over irregular routes, of general commodities, excluding household goods as defined by the Commission, and commodities in bulk, between points in the New York, N.Y., Commercial Zone, as defined by the Commission on the one hand, and, on the other, Newark, N.J., and groceries, from New York, N.Y., to points in Bergen, Monmouth, Passaic, Essex, Hudson, Union, Middlesex, and Morris Counties, N.J. Harry Aarons, 27

No. MC-FC 62155. By order of April 30, 1959. The Transfer Board approved the transfer to Durrett Transfer, Inc.. Springfield, Tenn., of the operating rights in Certificates Nos. MC 57770 Sub 1, MC 57770 Sub 5, MC 57770 Sub 6, and MC 57770 Sub 7, issued September 21, 1951, March 19, 1953, August 9, 1955, and September 24, 1957, respectively, to Forrest Milton Durrett, doing business as Durrett Transfer Company, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Nashville, Tenn., and Adairville, Ky., between Russellville, Ky., and Owensboro, Ky., and between South Carrollton, Ky., and Owensboro, Ky., restricted against transportation moving between Owensboro, Ky., and Nashville, Tenn., between Stanley, Ky., and Evansville, Ind., between Nashville, Tenn., and Owensboro, Ky., and of general commodities, ex-

cluding commodities in bulk and other specified commodities, between Sacramento, Ky., and Evansville, Ind., The Transfer Board also approved the substitution of Durrett Transfer, Inc., as applicant in docket No. MC 57770 Sub 8. A. O. Buck, 434 Stahlman Building, Nashville, Tenn., for applicants.

No. MC-FC 62163. By order of April 30, 1959, the Transfer Board approved substitution of Riley Whittle, Inc., of Smiths Grove, Ky., as purchaser of the rights sought in Docket No. MC 117786 in lieu of Riley Whittle of Smiths Grove, Ky., for the right to transport bananas from New Orleans, La., Mobile, Ala., Louisville, Ky., Tampa and Miami, Fla., Brownsville, Tex., Charleston, S.C., and Norfolk, Va., to Louisville, Ky., Canton, Cleveland, Cincinnati, Mansfield, and Akron, Ohio, Chattanooga, Johnson City, and Knoxville, Tenn., Atlanta, Ga., and Kalamazoo, Mich., under the "grandfather" clause of section 7 of the Transportation Act of 1958. (72 Stat. 574). W. D. Kirkpatrick, Box 469, Bowling Green, Ky., for applicants.

No. MC-FC 62169. By order of April 30, 1959, the Transfer Board approved the transfer to Thomas Luther Cannaday, doing business as Sophia Transfer of Midway, W. Va., of Certificate No. MC 3828 issued May 18, 1949, to Otis Craghead, Paul Craghead and Hoy Craghead, a partnership, doing business as Craghead Brothers Transfer of Rhodell. W. Va., authorizing the transportation of household goods, over irregular routes, between Rhodell, W. Va., and points within 15 miles thereof, on the one hand, and, on the other, points in Virginia; those in North Carolina north of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 70 to Old Fort, N.C., thence along U.S. Highway 64, to Fort Landing, N.C., including points on the indicated portions of the highways specified; and those in Letcher, Harlan, and Pike Counties, Ky. Thomas Luther Cannaday, P.O. Box 6, Midway, W. Va., for transferee and Paul Craghead, Rhodell, W. Va., for transferor.

No. MC-FC 62174. By order of April 30, 1959, the Transfer Board approved the transfer to Joseph Fenelli and Louis

Fenelli a partnership doing business as Nicholas Fenelli Rigging and Trucking of Trenton, N.J., of Certificate No. MC 88589 issued November 20, 1939, in the name of Nicholas Fenelli of Trenton, N.J., authorizing the transportation of heavy machinery and roadbuilding machinery and equipment, in truckloads, 10,000 pounds minimum, over irregular routes, between Trenton, N.J., on the one hand, and, on the other, New York, N.Y., and points in Bucks, Montgomery, Chester, Philadelphia, and Delaware Counties, Pa. Joseph Fenelli and Louis Fenelli, 22 Devon Avenue, Braeburn Heights, Trenton, N.J., for applicants.
No. MC-FC 62176. By order of April

30, 1959, the Transfer Board approved the transfer to Theodore W. Truesdell, doing business as T. W. Truesdell Trucking, Ashtabula, Ohio, of a certificate in No. MC 97714, issued May 7, 1954, to Ashtabula Conneaut Truck and Storage Co., Ashtabula, Ohio, authorizing the transportation of ferro alloys, in bulk, in dump vehicles, from Ashtabula, Ohio, and from the site of the plant of the Electro-Metallurgical Company, near Marietta, Ohio, to points in Indiana; Illinois, Kentucky, Maryland, Michigan, Missouri, New York, Pennsylvania, and West Virginia. John P. McMahon, 44 East Broad St., Columbus 15, Ohio.

HAROLD D. McCoy, [SEAL]

Secretary.

[F.R. Doc. 59-3896; Filed, May 7, 1959; 8:46 a.m.]

[Section 5a Application No. 69]

PERISHABLES TARIFF BUREAU Agreement Regarding Joint Consideration of Rates and Rules

May 4, 1959.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: April 28, 1959, by: John H. Benckenstein, counsel for applicants, P.O. Box 551, Beaumont, Tex.

Agreement involved: Agreement between and among common carriers by motor vehicle, members of Perishables Tariff Bureau, relating to joint consideration in establishing or changing rates, charges, rules, and regulations governing the transportation of property between points in the United States, except Vermont and Alaska.

The complete application may be inspected at the office of the Commission

in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved

formal hearing.

By the Commission, Division 2.

[SEAL]

HAROLD D. McCOY, Secretary.

[F.R. Doc. 59-3860; Filed, May 6, 1959; 8:48 a.m.]

[No. 33007]

WESTERN RAILROADS

Increased Mail Pay

Upon consideration of the application of certain western railroads (listed in the appendix hereto), filed April 20, 1959, for re-examination of the rates, rules and compensation for the transportation of the United States Mail over their lines, and the service connected therewith, and for an increase in said rates and compensation; and upon consideration of the provisions of U.S. Code, title 39, sections 542 to 554, inclusive (Railway Mail Serv-

Notice is hereby given that the said application be, and it is hereby, assigned for hearing, at 9 a.m. standard time or 10 a.m. daylight saving time, May 14, 1959, at the offices of the Commission in

in such application without further or Washington, D.C., before Examiner Fuller;

A copy of this notice is being served upon said applicants and upon the Postmaster General of the United States, and notice of this proceeding is given to the public by depositing a copy of this notice in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Division of the Federal Register, Washington, D.C.

Dated at Washington, D.C., this 1st day of May A.D. 1959.

[SEAL]

HAROLD D. MCCOY, Secretary.

APPENDIX

Atchison, Topeka and Santa Fe Railway Company (The)

Canadian National Railway Company-Lines in Minnesota.

Chicago and North Western Railway Company.

Chicago, Burlington & Quincy Railroad Company. Chicago Great Western Railway Company.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Chicago, Rock Island and Pacific Railroad Company.

Colorado and Southern Railway Company

Denver and Rio Grande Western Railroad Company (The).

Duluth, South Shore & Atlantic Railroad Company.

Duluth, Winnipeg & Pacific Railway Company.

Fort Worth and Denver Railway Company. Great Northern Railway Company. Gulf, Colorado and Santa Fe Railway

Company. Gulf, Mobile and Ohio Railroad Company. Kansas City Southern Railway Company

Louisiana and Arkansas Railway Company. Minneapolis & St. Louis Railway Company

(The). Minneapolis, St. Paul & Sault Ste. Marie

Railroad Company.
Missouri-Kansas-Texas Railroad Company. Missouri-Kansas-Texas Railroad Company of Texas.

Missouri Pacific Railroad Company. Northern Pacific Railway Company. Northwestern Pacific Railroad Company. Oregon Trunk Railway.

Panhandle and Santa Fe Railway Company. St. Louis-San Francisco Railway Company. St. Louis, San Francisco and Texas Railway Company.

St. Louis Southwestern Railway Company. Southern Pacific Company.

Spokane, Portland & Seattle Railway

Company.

Texas and New Orleans Railroad Company. Texas and Pacific Railway Company (The). Texas-New Mexico Railway Company. Union Pacific Railroad Company. Wabash Railroad Company. Wisconsin Central Railroad Company.

[F.R. Doc. 59-3861; Filed, May 6, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during May. Proposed rules, as opposed to final actions, are identified as such.

	, .		Dana .		Dama
3 CFR	age	14 CFR—Continued	Page	32 CFR—Continued	Page
Proclamations:	ı	409 3	3498	861	3726
3279 3!	527	507 3	3574	862	3505
3290 3		610		886	3729 '
Executive orders:	- 1	1200—1299———— 3	3574	1200—1299	3592
10813 34	465	1201 3	3574	33 CFR	_
10814 34	474	Proposed rules:	1		
10815 34		5143699, 3	3700	85 86	3506
5 CFR	i	16 CFR	- 1	86	3506
				91	3506
6 3559, 3692, 3		13 3531, 3579, 3580, 3	3625	96	
325 34	475	17 CFR	.]	203	3629
6 CFR	l	Proposed rules:	-	207	3629
10 3	559		3514	36 CFR	
3313		· ·		251	3581,
4273475, 3	482	19 CFR		-	,
438	559		3532	37 CFR	
4433			3532	Proposed rules:	
	687	Proposed rules:		. 201	3545
	[11		202	3546
7 CFR		31	3535	38 CFR	
	692	21 CFR	ŀ	6	3592
	529	Proposed rules:	1	8	
	488	<u> </u>	3735		3334
876 34			3133	39 CFR	
	564	22 CFR	ļ	45 3533	, 3534
922 3530, 3565, 3		121	3721	201	3592
943	1		3722	204	3592
	530	124	3722	41 CFR	
955 3		125	3723		
	565	126	3723	Proposed rules:	0510
9683	566	25 CFR	Ī	202	3513
10013				43 CFR	
1069 3	574		3692	Public land orders:	
Proposed rules:	- 1	221	3532	1673	3581
51	731	26 CFR	1	1812	
902	630	458	3503	1838	
904 3	535	-	, , ,	1839	
925 3	608	26 (1954) CFR		1840	
927 3	608		3693	1841	
934 3	535		3503	1842	
	697	Proposed rules: 196		1843	3729
	611	196	3695		
1021 3	536	29 CFR	1	45 CFR	L
8 CFR			3581	114	3694
	491		3503	46 CFR .	
	491			147	3507
9 CFR		31 CFR		370	
Proposed rules:	l		3533		0020
273	735	359	3533	47 CFR	
		32 CFR		Proposed rules:	
10 CFR			3582	9	3611
Proposed rules:			3586	12	3612
	537	,	3586	49 CFR	
140 3	508	· .	3586		- 9505
13 CFR	j		3587		3595
	404	8		73	3595
121 3	491		3589	74	3599
14 CFR		13		78 184	3599
	574°.		3589	*	3507
	574		3591	50 CFR	
	531		3504	46	3626
	574		3724	202	3629
	U. #	***************************************	514#	474	9020
·			•	•	